

# **DIGEST OF ENACTMENTS 2010**

128th General Assembly (2009-2010)



**Ohio Legislative Service Commission**  
Columbus, Ohio

March 2011

# **DIGEST OF ENACTMENTS 2010**

## 128th General Assembly (2009-2010)

### Ohio Legislative Service Commission

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March 2011

## INTRODUCTION

The *Digest of Enactments 2010* summarizes legislation passed by the General Assembly during 2010, including bills and two constitutional amendments proposed in joint resolutions. The two constitutional amendments, proposed in Am. Sub. H.J.R. 12 and Am. S.J.R. 8, were approved by the voters.

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# AGRICULTURE

## Sub. H.B. 414

**Reps.** Sayre and Bolon, Boose, Hite, Ruhl, Derickson, Pryor, Weddington, Domenick, Zehringer, Wagner, R. Adams, Balderson, Book, Bubb, Carney, Coley, Combs, Daniels, DeBose, Dyer, Evans, Garland, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Hottinger, Luckie, Lundy, McClain, Murray, Newcomb, Snitchler, Uecker, B. Williams, Winburn, Yuko

**Sens.** Morano, Buehrer, Gibbs, Harris, Husted, Jones, Niehaus, Patton, Schaffer, Seitz, Strahorn, Wagoner, Widener, Wilson, Hughes, Faber, Kearney

**Effective date:** Emergency, March 31, 2010

Pursuant to the Ohio Constitution, creates the Ohio Livestock Care Standards Board consisting of specified members, and establishes the terms of office for the members of the Board.

Requires the Board to adopt rules governing the care and well-being of livestock in this state, including best management practices for the care and well-being of livestock and the prevention of disease, and establishing the amount of civil penalties to be assessed against persons who violate the rules, and defines "livestock" for those purposes.

With regard to organic producers that are certified by the United States Department of Agriculture under the National Organic Program, states that if there is a conflict between the Board's rules governing the care and well-being of livestock and the standards established by the United States Department of Agriculture under that Program, the standards established under that Program must prevail.

Requires the Director of Agriculture to assist the Board in the administration and enforcement of the act, including hiring employees of the Board, entering into contracts, enforcing the rules adopted by the Board, and taking other specified actions regarding those rules.

Authorizes the Director or the Director's authorized representative, with the consent of the premises owner and the livestock owner, if different from the premises owner, to enter at all reasonable times on any premises to determine compliance with rules adopted under the act.

Prohibits a person from falsifying any plans, specifications, data, reports, records, or other information required by the act or rules adopted under it to be kept or submitted to the Director or the Board or violating any provision of the act or any order, rule, or determination of the Director or Board issued, adopted, or made under the act or rules adopted under it.

Requires the Director, until the General Assembly appropriates money for the purposes of the act and rules adopted under it, to request the Controlling Board to authorize the transfer of all or part of an appropriation from any fund administered by the Department of Agriculture to the Ohio Livestock Care Standards Fund created by the act.

Specifies that the Fund consists of all money appropriated by the General Assembly for use by the Board, money transferred from any fund administered by the Department as provided in the act, and all money donated to the Department or the Board for the purposes of advancing livestock care, and requires the Director to use money credited to the Fund to carry out the purposes of the act, including the administration and enforcement costs of the Department of Agriculture and the compensation of the Board's employees.

States that the authority granted to the Board and the Director by the act does not detract from or expand the authority or obligations of county humane societies or county officials under the Humane Societies Law.

States that the authority granted to the Board and the Director by the act does not apply to food processing production activity that is regulated by the Department of Agriculture under the agricultural laws in Title IX of the Revised Code.

Prohibits the Board from creating a statewide animal identification system.



## APPROPRIATIONS

### Sub. H.B. 462

*(For details of fiscal provisions of the act, see LSC Fiscal Note, "As Enacted")*

**Reps.** Sykes, Chandler, Domenick, Driehaus, Dyer, Foley, Garland, Harris, Koziura, Letson, Stewart, Szollosi, B. Williams, Winburn, Yuko

**Sens.** Carey, D. Miller, Sawyer, Smith, Fedor, Harris, Kearney, Wilson, Turner

**Effective date:** July 1, 2010; June 29, 2010, is technically the constitutional effective date; however, Section 111.70 of the act provides that all sections take effect July 1, 2010

Makes capital reappropriations for the biennium ending June 30, 2012, and makes certain capital appropriations.



# CONSTITUTIONAL AMENDMENTS

## Am. Sub. H.J.R. 12

**Reps.** S. Williams and Goyal, Belcher, Bolon, Book, Boyd, Brown, Budish, Carney, Celeste, Chandler, DeBose, DeGeeter, Dodd, Domenick, Driehaus, Dyer, Fende, Foley, Garland, Garrison, Gerberry, Hagan, Harris, Harwood, Heard, Koziura, Letson, Luckie, Lundy, Mallory, Moran, Murray, Newcomb, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Sayre, Schneider, Skindell, Slesnick, Stewart, Sykes, Szollosi, Ujvagi, Weddington, B. Williams, Winburn, Yates, Yuko, Amstutz, Grossman, Hottinger, Martin, Snitchler, Batchelder, Blessing, Combs, Derickson, Dolan, Hackett, McGregor, Mecklenborg, Oelslager, Stautberg

**Sens.** Niehaus, Grendell, Harris, Patton, Wagoner, Gillmor, Hughes

**Adopted:** February 3, 2010; approved by the voters on May 4, 2010, and effective May 4, 2010

Amends Section 2p of Article VIII of the Ohio Constitution to increase the state general obligation bond authority for research and development (Third Frontier) purposes from \$500 million to \$1.2 billion.



## Am. S.J.R. 8

**Sens.** Goodman and Hughes

**Reps.** Bacon, Book, Carney, Celeste, Combs, Garland, Grossman, Hackett, Heard, Stewart, Weddington, B. Williams, Yuko

**Adopted:** January 27, 2010; approved by the voters on May 4, 2010, and effective May 4, 2010

Amends Section 6 of Article XV of the Ohio Constitution to change the location of the casino that is to be constructed in central Ohio, from Columbus to Franklin County.



### Am. Sub. H.B. 238

**Reps.** Harwood, Murray, B. Williams, Pillich, Yuko, Chandler, Huffman, Letson, Bacon, Batchelder, Belcher, Bolon, Boyd, Brown, Bubb, Carney, Coley, Combs, DeBose, DeGeeter, Domenick, Driehaus, Dyer, Evans, Fende, Garland, Goyal, Grossman, Hagan, Harris, Hottinger, Luckie, Mallory, Newcomb, Oelslager, Okey, Patten, Phillips, Snitchler, Yates

**Sens.** D. Miller, Buehrer, Fedor, Harris, Hughes, Husted, Kearney, Patton, Seitz, Strahorn, Wagoner, Turner, Smith

**Effective date:** September 8, 2010; certain provisions effective January 1, 2011

Requires that the court in a divorce or legal separation proceeding require each spouse to disclose in a full and complete manner all of that spouse's marital property, separate property, and other assets.

Treats nondisclosure of assets as a form of financial misconduct for which the court may compensate the offended spouse with a distributive award or with a greater award of marital property.

Authorizes the court in a divorce or legal separation proceeding to modify a division or disbursement of property or a distributive award upon the express written consent or agreement of both spouses.

Permits the spouses in a dissolution of marriage proceeding to include in the separation agreement authorization for the court to modify the division of property, and requires that any modification be made only with the express written consent or agreement of both spouses.

Permits the court to award the offended spouse a distributive award or a greater award of marital property if the other spouse has substantially and willfully failed to disclose assets.

Eliminates the prohibition against a municipal or county court judge's being eligible for life insurance coverage from a county or other political subdivision after the issuance of a group policy covering all municipal and county court judges.

Changes the statutory designation of the Chardon, Lyndhurst, and Miamisburg Municipal Courts from part-time to full-time judges.

Prohibits a county court judge from retaining a fee for performing a marriage ceremony, and requires a county court judge to pay all marriage fees collected by the judge when not connected with any cause or proceeding pending in the county court to the treasurer of the county in which the court is located.

Removes the statutorily required notice regarding possessing or purchasing a firearm when subject to certain nondomestic violence protection orders issued as a pretrial condition of release.

Modifies the notice requirements regarding possessing or purchasing a firearm when subject to a domestic violence-related temporary protection order.

Effective January 1, 2011, abolishes the Putnam County County Court and its two part-time judgeships, and creates in Ottawa the Putnam County Municipal Court with one full-time judge and with jurisdiction within Putnam County.

Specifies that the judge of the Putnam County Municipal Court will be elected in 2011 and nominated only by petition, and provides that the part-time judge of the Putnam County County Court, whose term commenced on January 1, 2007, serves as the full-time judge of the Putnam County Municipal Court until December 31, 2011.

Provides that the Clerk of Courts of Putnam County will be the Clerk of the Putnam County Municipal Court.

Provides that in addition to the police officers of municipal corporations and police constables of townships within the territory of the Putnam County Municipal Court who serve as ex officio deputy bailiffs, deputy sheriffs of Putnam County also will serve as deputy bailiffs of the Putnam County Municipal Court.

Requires the Putnam County Prosecuting Attorney to prosecute in the Putnam County Municipal Court all violations of state law arising in Putnam County, and authorizes the Prosecuting Attorney to enter into an agreement with any municipal corporation in Putnam County pursuant to which the Prosecuting Attorney prosecutes all cases brought before the Putnam County Municipal Court for violations of the ordinances of the municipal corporation or for criminal offenses other than violations of state law occurring within the municipal corporation.

Includes transition provisions upon the abolition of the Putnam County County Court and the establishment of the Putnam County Municipal Court.

Abolishes the Montgomery County County Court and its three part-time judgeships on the effective date of the act, and creates on that date the Montgomery County Municipal Court that will eventually have two full-time judges and that has

jurisdiction within all of Montgomery County except for the municipal corporations of Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton and Butler, German, Harrison, Miami, and Washington townships.

Authorizes the legislative authority of the Montgomery County Municipal Court to select places with the county, with specified exceptions, where a judge of the court will sit, and prohibits any municipal corporation so selected from having a mayor's court.

Requires, in any year in which the total yearly salary cost of all the judges of the Montgomery County Municipal Court exceeds the yearly salary cost of five part-time county court judges, that the court pay the difference, after specified adjustments based on health-care costs, from designated special court funds to the state and county treasurers in amounts proportional to the percentage of the municipal court judges' salaries paid by the state and the county.

Provides that the Clerk of Courts of Montgomery County will be the Clerk of the Montgomery County Municipal Court.

Requires the Montgomery County Prosecuting Attorney to prosecute in the Montgomery County Municipal Court all felony, misdemeanor, and traffic violations arising in specified unincorporated townships and all felony violations of state law and all violations involving a state or county agency arising within the jurisdiction of the court.

Includes transition provisions upon the abolition of the Montgomery County County Court and the establishment of the Montgomery County Municipal Court.



## **Sub. H.B. 292**

- Reps.** Letson and Oelslager, Yuko, Phillips, Ujvagi, Harwood, Domenick, Stebelton, Chandler, Luckie, Foley, Batchelder, Blessing, Boose, Boyd, Brown, Bulp, Carney, Combs, DeBose, Evans, Garland, Garrison, Hackett, Harris, Huffman, Maag, Mallory, Mecklenborg, Murray, Pillich, Sayre, Snitchler, Stewart, Wagner, Winburn
- Sens.** Kearney, Buehrer, Carey, Faber, Fedor, Gibbs, Gillmor, Harris, Hughes, Niehaus, Patton, Schaffer, Schiavoni, Seitz, Turner, Wagoner, Wilson, R. Miller

**Effective date:** September 13, 2010

Provides that a transfer fee covenant recorded in Ohio on or after the effective date of the act does not run with the title to real property and is not binding on or enforceable against any subsequent owner, purchaser, or mortgagee of any interest in real property as an equitable servitude or otherwise, and provides that any lien purporting to secure the payment of a transfer fee under such a transfer fee covenant is void.

Authorizes a court of common pleas in a partition action, if no party elects to take the real property involved in the action and at the insistence of a party, to order the sale of the property at a public auction by the sheriff who executed the writ of partition or by a licensed auctioneer who is qualified to conduct an auction of real property.

Requires that if the sale of real property is made by a licensed auctioneer, it must be made pursuant to the Auctioneers Law.

Provides that the auctioneer must receive compensation and reimbursement for the expenses of advertising the public auction that the court finds reasonable and proper and that the compensation and advertising expenses must be charged as costs in the action or proceeding in which the sale is ordered.

Generally eliminates the procedures relative to taking possession of or closing savings and loan associations and savings banks, and replaces them with the same procedures that apply to taking possession of or closing banks.



## **Sub. H.B. 338**

- Reps.** Book and Uecker, Evans, Domenick, Harwood, Okey, Bolon, Oelslager, Huffman, Mecklenborg, Coley, Stebelton, Blessing, Bubp, Carney, Chandler, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Garland, Gerberry, Harris, Hite, Koziura, Letson, Luckie, Mallory, Murray, Patten, Sayre, Wachtmann, Weddington, B. Williams, Yuko
- Sens.** Buehrer, Fedor, Goodman, Harris, Hughes, D. Miller, Morano, Patton, Sawyer, Schiavoni, Seitz, Smith, Strahorn, Turner, Niehaus

**Effective date:** September 17, 2010; certain provisions effective January 1, 2011

### **Court jurisdiction regarding driver's license matters**

Confers on any court whose jurisdiction is invoked regarding a driver's license matter, other than a matter involving a commercial driver's license, concurrent jurisdiction to adjudicate all issues and appeals regarding that driver's license matter,

and specifies the procedure for a holder of a driver's license to invoke the court's jurisdiction.

Provides that if another court has obtained jurisdiction over any administrative driver's license suspension involving the same driver's license holder, that jurisdiction may not be divested by an action filed under the act unless that court transfers its jurisdiction.

Grants the court whose jurisdiction is invoked under the act discretionary authority to issue a stay of any suspension pending resolution of the matters before the court and to order the Bureau of Motor Vehicles to renew the holder's driver's license pending resolution of the matters or in its final judgment if the license is not more than six months expired prior to the date of the renewal application.

Generally provides that if jurisdiction is invoked under the act in a court of common pleas or county court, the county prosecuting attorney must represent the Registrar of Motor Vehicles in the case, and that if jurisdiction is invoked under the act in a municipal court, the Registrar generally must be represented by the city director of law, village solicitor, or similar chief legal officer.

Declares that the intent of the above provisions is to allow all issues concerning driver's licenses to be litigated in a single forum, not to eliminate any forum venue in existence on the act's effective date.

## **Putnam County Municipal Court**

Effective January 1, 2011, abolishes the Putnam County County Court and its two part-time judgeships, and creates in Ottawa the Putnam County Municipal Court with one full-time judge and with jurisdiction within Putnam County.

Specifies that the judge of the Putnam County Municipal Court initially will be elected in 2011 and nominated only by petition, and provides that the part-time judge of the Putnam County County Court whose term commenced on January 1, 2007, will serve as the full-time judge of the Putnam County Municipal Court until December 31, 2011.

Provides that the Clerk of Courts of Putnam County is the Clerk of the Putnam County Municipal Court.

Provides that, in addition to the police officers of municipal corporations and police constables of townships within the territory of the Putnam County Municipal Court who serve as ex officio deputy bailiffs, deputy sheriffs of Putnam County also are deputy bailiffs of the Putnam County Municipal Court.

Requires the Putnam County Prosecuting Attorney to prosecute in the Putnam County Municipal Court all violations of state law arising in Putnam County, and authorizes the Prosecuting Attorney to enter into an agreement with any municipal corporation in Putnam County pursuant to which the Prosecuting Attorney prosecutes all cases brought before the Putnam County Municipal Court for violations of the ordinances of the municipal corporation or for criminal offenses other than violations of state law occurring within the municipal corporation.

Includes transition provisions upon the abolition of the Putnam County County Court and the establishment of the Putnam County Municipal Court.

### **Wrongfully imprisoned individuals**

Requires the Clerk of the Court of Claims, within 60 days after the date of the entry of a court of common pleas' determination that a person is a wrongfully imprisoned individual, to request that the Controlling Board pay 50% of a certain specified amount of money, that is, the statutory annual amount for each year of wrongful imprisonment, to that wrongfully imprisoned individual.

### **Criminal sentencing and pleas**

Permits a trial judge to do one or more of the following when a felon or misdemeanor violates a community control sanction: impose a prison term if the sanction was imposed for a felony or a jail term, extend the length of a community control sanction, or impose a more restrictive sanction.

Provides that a court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but provides that the court cannot reduce any mandatory jail term.

Requires the court, if a prosecutor has filed notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, to notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case, allows the prosecutor to request a hearing regarding the court's consideration of the modification, and requires the court to hold a hearing if the prosecutor so requests.

Provides that, when an accused pleads guilty to an offense, the court is not required to call for an explanation of the circumstances of the offense if the offense is a minor misdemeanor.

Provides that a plea to a misdemeanor offense of no contest constitutes an admission of the truth of the facts alleged in the complaint, and provides that, if the

offense to which the accused is entering a plea of no contest is a minor misdemeanor, the judge or magistrate is not required to call for an explanation of the circumstances of the offense and may base a finding on the facts alleged in the complaint.

### **Motor vehicle offense penalties**

Modifies the penalties for repeat offenders under operating a motor vehicle without a valid license who never have held a valid driver's or commercial driver's license or permit and the penalties for offenders under the offense who have never held a valid license as a motorcycle operator.

Clarifies the manner of sentencing for operating a motor vehicle without a valid license, driving under suspension, permitting the operation of a motor vehicle on any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license, and driving under financial responsibility law suspension or cancellation when the offense is an unclassified misdemeanor.

Modifies the condition for increased penalties for the offenses of failure to stop after an accident and failure to stop after a nonpublic road accident so that the increased penalties apply when the accident or collision, rather than the failure to stop, results in serious physical harm or death.



## CRIMES, CORRECTIONS, AND LAW ENFORCEMENT

### Sub. S.B. 58

**Sens.** Hughes, Schaffer, Wagoner, Grendell, Gibbs, Harris, Husted, Patton, Stewart, Turner, Wilson

**Reps.** Beck, Blair, Blessing, Bubp, Coley, Combs, Derickson, Dodd, Domenick, Evans, Garland, Gerberry, Grossman, Hackett, Harris, Harwood, Heard, Hottinger, Luckie, Mandel, McGregor, Weddington, Zehringer

**Effective date:** September 17, 2010

Prohibits a person from knowingly collecting any blood, urine, tissue, or other bodily substance of another person without privilege or consent to do so.

Permits an emergency medical technician-intermediate or emergency medical technician-paramedic to withdraw blood for the purpose of the watercraft or vehicle OVI law or the commercial motor vehicle law, and generally provides a qualified immunity to the technician, the health care facility at which the technician withdraws blood, and the emergency medical service organization that employs the technician.

Adds a representative from the Division of Criminal Justice Services in the Department of Public Safety to the Preservation of Biological Evidence Task Force.

Requires the Office of the Attorney General, rather than the Division of Criminal Justice Services in the Department of Public Safety, to administer and conduct training programs for law enforcement officers and other relevant employees who are charged with preserving and cataloging biological evidence and to do so in consultation with the Preservation of Biological Evidence Task Force.

Corrects erroneous cross-references in provisions enacted in Am. Sub. H.B. 280 of the 127th General Assembly regarding increased penalties for domestic violence committed against a pregnant woman.



### Sub. S.B. 77

**Sens.** Goodman, Seitz, R. Miller, Stewart, Schuring, D. Miller, Kearney, Cates, Coughlin, Fedor, Gibbs, Gillmor, Harris, Husted, Niehaus, Patton, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Wilson, Morano

**Reps.** Amstutz, Bacon, Balderson, Batchelder, Beck, Belcher, Bolon, Boyd, Carney, Coley, Combs, Daniels, Derickson, Domenick, Driehaus, Dyer, Evans, Fende, Gardner, Garland, Garrison, Gerberry, Grossman, Hackett, Hagan, Hall, Harris, Heard, Hite, Hottinger, Koziura, Lehner, Letson, Maag, Martin, McClain, McGregor, Mecklenborg, Oelslager, Okey, Pillich, Ruhl, Sears, Snitchler, Sykes, Szollosi, Uecker, Ujvagi, Wachtmann, Wagner, Weddington

**Effective date:** July 6, 2010

Requires a person who is 18 years of age or older and who is arrested on or after July 1, 2011, for a felony offense to submit to a DNA specimen collection procedure administered by the head of the arresting law enforcement agency.

In the mechanism that authorizes certain convicted felons to apply for and, if specified criteria are satisfied, obtain DNA testing: (1) expands the categories of convicted felons for whom the mechanism is available so that it also is available for: (a) convicted felons who were sentenced to a prison term, but who have been paroled, are under probation, are under post-release control, or have been released from prison and are under a community control sanction regarding the felony, (b) convicted felons who were not sentenced to a prison term or sentence of death, but were sentenced to a community control sanction and are under that community control sanction, or (c) convicted felons whose offense was a sexually oriented offense or child-victim oriented offense and who have duties under the Sex Offender Registration and Notification Law relative to the felony, (2) removes the requirement that convicted felons serving a prison term for the felony have at least one year remaining on the term when their application for DNA testing is filed, (3) specifies that convicted felons are not eligible to submit an application for DNA testing if they die prior to submitting the application, and (4) conforms the other provisions of the mechanism with the changes described in item (1).

Repeals the mechanism that allowed felons who were inmates in a prison, who were sentenced by a court, or by a jury and a court, and who pleaded guilty or no contest to the felony to file an application for DNA testing regarding that felony, and modifies the state's postconviction relief law so that it still will be available to felons who use the mechanism prior to its repeal.

Defines "custodial interrogation" as any interrogation involving a law enforcement officer's questioning that is reasonably likely to elicit incriminating responses and in which a reasonable person in the subject's position would consider himself or herself to be in custody, beginning when a person should have been advised of the person's right to counsel and right to remain silent and of the fact that anything the person says could be used against the person, as specified by the United States Supreme Court in *Miranda v. Arizona* and subsequent decisions, and ending when the questioning has completely finished.

Generally requires the preservation of biological evidence for certain specified offenses for specified periods of time by governmental evidence-retention entities.

Defines "biological evidence" as the contents of a sexual assault examination kit, or any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or any other identifiable biological material that was collected as part of a criminal investigation or delinquent child investigation and that reasonably may be used to incriminate or exculpate any person for an offense or delinquent act.

Defines "governmental evidence-retention entity" as any law enforcement agency, prosecutor's office, court, public hospital, crime laboratory, or other governmental or public entity or individual within this state that is charged with the collection, storage, or retrieval of biological evidence or any official or employee of any such entity or individual.

Establishes within the Bureau of Criminal Identification and Investigation a Preservation of Biological Evidence Task Force to establish a system regarding the proper preservation of biological evidence in Ohio.

Requires the Division of Criminal Justice Services in the Department of Public Safety, in consultation with the Preservation of Biological Evidence Task Force, to administer and conduct training programs for law enforcement officers and other relevant employees who are charged with preserving and cataloguing biological evidence regarding the methods and procedures referenced in the act's provisions that require or relate to the preservation of biological evidence.

Requires any law enforcement agency or criminal justice entity in Ohio that conducts live lineups or photo lineups to adopt specific procedures for conducting the lineups prior to conducting any on or after the act's effective date, and identifies mandatory requirements that at a minimum must be imposed under the procedures.

Defines "live lineup" as an identification procedure in which a group of persons, including the suspected perpetrator of an offense and other persons not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator of the offense.

Defines "photo lineup" as an identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator of the offense.

Permits, as an exception to the prohibition against divulging confidential information under the sealing law, the Bureau of Criminal Identification and Investigation or any authorized employee of the Bureau participating in the investigation of criminal activity to release, disseminate, or otherwise make available to, or discuss with, a person directly employed by a law enforcement agency DNA records collected in the DNA database or fingerprints filed for record by the Superintendent of the Bureau.

Prohibits DNA records collected in the DNA database and fingerprints filed for the record by the Superintendent of the Bureau from being sealed unless the Superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned.

Requires a court that enters a judgment that vacates and sets aside the conviction of a person because of DNA testing to issue 90 days after the court vacates and sets aside the conviction an order directing that all official records pertaining to the case involving the vacated conviction be sealed and that the proceedings in the case are deemed not to have occurred, and provides procedures for sealing those records.



## **Sub. S.B. 235**

**Sens.** Fedor and Grendell, Cafaro, R. Miller, Schaffer, Jones, Smith, Hughes, Wagoner, Goodman, Strahorn, Sawyer, Widener, Carey, Schuring, Patton, Husted, Morano, Schiavoni, Turner, Wilson, Buehrer, D. Miller, Kearney, Stewart, Gibbs, Niehaus, Coughlin, Gillmor, Harris

**Reps.** R. Adams, Bacon, Balderson, Batchelder, Beck, Belcher, Blair, Blessing, Bolon, Book, Boose, Brown, Bubb, Carney, Celeste, Chandler, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Garland, Gerberry, Goodwin, Grossman, Hackett, Hall, Harris, Harwood, Heard, Hite, Hottinger, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Murray, Newcomb, Oelslager, O'Farrell, Okey, Phillips, Pillich, Pryor, Ruhl, Sears, Skindell, Slesnick, Stautberg, Stewart, Sykes, Szollosi, Wachtmann, Walter, Weddington, B. Williams, S. Williams, Winburn, Woodford, Yuko

**Effective date:** March 24, 2011

Creates the offenses of trafficking in persons and unlawful conduct with respect to documents.

Revises the involuntary servitude-related elements of, and the penalty for, the offense of kidnapping.

Increases the penalty for the offense of abduction based on involuntary servitude.

Enacts a rule regarding the proof needed for a prosecution of the offense of compelling prostitution that relates to the compelling of another to engage in sexual activity for hire, and modifies the penalty for the offense in those circumstances.

Expands the offense of conspiracy so that it includes a conspiracy to commit the offense of abduction or trafficking in persons.

Includes trafficking in persons in the definition of "offense of violence" that applies throughout the Revised Code, in the definition of "corrupt activity" that applies to the Corrupt Activity Law, and in the list of offenses that are subject to the Communications Interception Law.

Modifies the definition of "human trafficking" that applies to continuing provisions that require mandatory prison terms and restitution for certain offenses committed in furtherance of human trafficking so that it: (1) includes references to involuntary servitude and the offense of trafficking in persons, and (2) does not require that the felony offenses that are the basis of the human trafficking not be so closely related to each other and connected in time and place that they constitute a single event or transaction.

Defines "involuntary servitude" for purposes of the offenses of trafficking in persons, kidnapping, and abduction and the definition of human trafficking.



## EDUCATION

### Sub. S.B. 210

**Sens.** Coughlin and Kearney, Cafaro, Goodman, Harris, Husted, D. Miller, R. Miller, Morano, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Fedor

**Reps.** Bacon, Belcher, Boyd, Carney, Celeste, Chandler, Driehaus, Evans, Garrison, Goyal, Hackett, Hagan, Harris, Heard, Koziura, Letson, Luckie, Murray, Pillich, Reece, Skindell, Sykes, Weddington, B. Williams, Winburn

**Effective date:** September 17, 2010; certain provisions effective July 1, 2011

#### **Food and beverages in schools**

Restricts the sale of certain foods and beverages to students during the regular school day and before- and after-school programs in school districts, community schools, STEM (science, technology, engineering, and mathematics) schools, and chartered nonpublic schools, beginning July 1, 2011.

Exempts from the restrictions food and beverages sold in connection with: (1) a school-sponsored fundraiser or other event held outside of the regular school day, or (2) an interscholastic athletic event.

Specifies that, when the Department of Education obtains free computer software for assessing the nutritional value of foods, it must provide the software free of charge to each public and chartered nonpublic school.

Requires school districts to adopt standards governing beverage sales on school premises in addition to food sales as under continuing law, and applies the requirement to adopt standards for food and beverage sales on school premises to community schools, STEM schools, and chartered nonpublic schools.

Requires each school district, community school, STEM school, and chartered nonpublic school to designate staff to prepare an annual report regarding compliance with the standards for food and beverage sales.

Prohibits the placement of vending machines in classrooms, except in specified circumstances.

Permits breakfast that is provided as part of a federal school breakfast program to be offered in the classroom.

Provides that if the General Assembly appropriates funds for that purpose, students who are eligible for breakfast at a reduced price will receive it free of charge.

### **Physical activity pilot program**

Requires the Department of Education to administer a pilot program in which participating school districts, community schools, STEM schools, and chartered nonpublic schools must require students to participate in at least 30 minutes of moderate to rigorous physical activity each school day.

### **Physical education and health education**

Requires that teachers initially hired on or after July 1, 2013, to teach physical education in a school district, community school, or STEM school be licensed in physical education.

Requires the one-half unit in health education that is included in the Ohio Core curriculum to provide instruction in nutrition and the benefits of physical activity.

### **Body mass index screenings**

Requires school districts, community schools, STEM schools, and chartered nonpublic schools to establish body mass index (BMI) and weight status category screening programs for students in certain grades.

Permits parents to decline to have their child undergo a BMI screening.

Permits a school district or school to receive a waiver of the BMI screening requirements by submitting to the Superintendent of Public Instruction an affidavit stating that the district or school is unable to comply with the requirements.

### **State reports**

Directs the Department of Education to issue an annual report on the compliance of school districts and schools with the BMI screening requirements.

Requires the State Board of Education to develop a measure of the following for the school district and building report cards: (1) student success in meeting the State Board's physical education standards, (2) compliance with federal requirements for local wellness policies, (3) whether a district or building is complying with the act's BMI screening requirements, and (4) whether a district or building is participating in the act's physical activity pilot program.

Prohibits use of the measure as a factor in assigning performance ratings to districts and buildings.

### **Council**

Establishes the Healthy Choices for Healthy Children Council to monitor student health and wellness and make related recommendations.

### **Clearinghouse**

Requires the Department of Education to establish a clearinghouse of best practices regarding student nutrition, physical activity, and BMI screenings for use by schools.



# ELECTIONS

## Am. Sub. H.B. 5

**Reps.** Okey and Dodd, Garrison, Ujvagi, Garland, Newcomb, Phillips, Murray, B. Williams, DeGeeter, Szollosi, Sayre, Schneider, Yuko, Luckie, Letson, S. Williams, R. Adams, Amstutz, Bacon, Baker, Balderson, Batchelder, Belcher, Blair, Blessing, Book, Boose, Boyd, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, Derickson, Dolan, Domenick, Driehaus, Dyer, Evans, Fende, Foley, Gardner, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harris, Harwood, Heard, Hite, Hottinger, Jones, Jordan, Koziura, Lehner, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Oelslager, Otterman, Patten, Pillich, Pryor, Ruhl, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Uecker, Wachtmann, Weddington, Winburn, Yates, Zehringer

**Sens.** Buehrer, Hughes, Patton, Widener

**Effective date:** September 10, 2010; Sections 3 and 4 effective June 10, 2010

### Transition funds

Permits a person who has been elected or appointed to an elective office, other than a judicial office, to establish a transition fund to receive donations and to pay costs incurred for transition activities and inaugural celebrations.

Specifies that a transition fund may be established only after the officeholder has been elected or appointed to office, but not later than December 31 after the officeholder's election at a general election or 45 days after the officeholder's election at a special election or appointment to fill a vacancy.

Permits a campaign committee and any person, including a for-profit corporation, to make a donation to a transition fund.

Limits to \$10,000 the amount that may be donated to a transition fund for the joint offices of Governor and Lieutenant Governor, and limits to \$2,500 the amount that may be donated to a transition fund of any other officeholder.

Prohibits the treasurer of a transition fund from making disbursements from the fund: (1) for any purpose other than to pay the costs of transition activities and inaugural celebrations, (2) for any political contribution, (3) to reimburse the beneficiary of the transition fund for the beneficiary's personal expenses, or (4) for the purpose of influencing the results of any election.

Specifies that a transition fund may remain in existence not longer than 120 days.

Permits donations to and disbursements from a transition fund to be made only during the fund's existence, and specifies that costs incurred for transition activities and inaugural celebrations that are to be paid for with moneys from the fund must be incurred only during the fund's existence.

Requires the treasurer of a transition fund to file donation and disbursement statements with the Secretary of State by electronic means not later than January 15 of the year following the general election at which the officeholder was elected or, if the officeholder was elected at a special election or appointed to office, the 65th day after the fund is created, documenting all donations made to, and disbursements made from, the fund during the reporting period.

Thereafter, requires an update by the 15th day of each month to reflect donations received and disbursements made in the interim.

Establishes penalties for treasurers who fail to file donation and disbursement statements or who knowingly fail to report, or knowingly misrepresent, donations and disbursements that are required to be reported.

Generally expands the provisions of the Campaign Finance Law applicable to the electronic filing of campaign finance statements to also apply to donation and disbursement statements filed by electronic means.

Requires the treasurer of a transition fund to dispose of any assets remaining in the fund not later than the 120th day after the fund is created by refunding donations to individuals or by giving the amount to a charity that is exempt from the federal income tax.

Requires the transition fund treasurer to dispose of assets remaining in the fund within 30 days after the completion of the canvass of election returns for the applicable office if it is determined that the beneficiary of the transition fund was not elected.

Requires the treasurer of a transition fund to file a final donation and disbursement statement and a termination statement not later than 120 days after the fund is created or not later than 35 days after the completion of the canvass if the beneficiary of the transition fund was not elected, which statement must include any disbursements made to dispose of the fund's assets, and specifies that the fund ceases to exist upon the filing of the termination statement.

Requires the Secretary of State to specify, by rule, the form of the termination statement.

Requires the Secretary of State to examine donation and disbursement statements, and permits the Secretary of State to file a complaint with the Ohio Elections Commission regarding violations of the act's provisions.

Authorizes the Ohio Elections Commission to recommend legislation and render advisory opinions regarding transition accounts.

### **Conduct of special elections held on or before August 4, 2010**

Permits a board of elections that conducts a special election on or before August 4, 2010, for the purpose of nominating candidates for the office of Congressional representative to conduct that election using a limited number of polling places, and specifies the process that a board of elections must follow in conducting such an election.



# ENVIRONMENT AND NATURAL RESOURCES

## Sub. S.B. 165

**Sens.** Niehaus, Gibbs, Stewart, Carey, Harris, Seitz, Hughes, Schaffer, Wilson, Cates, Wagoner, Coughlin

**Reps.** Domenick, Boose, Hite, Balderson, J. Adams, R. Adams, Amstutz, Batchelder, Beck, Bubb, Carney, Chandler, Coley, Combs, Daniels, DeBose, Derickson, Evans, Gardner, Garland, Garrison, Gerberry, Grossman, Hall, Hottinger, Huffman, Koziura, Letson, Luckie, Martin, McClain, Phillips, Ruhl, Sayre, Snitchler, Stebelton, Szollosi, Uecker, Walter, Weddington, Yuko, Zehringer

**Effective date:** June 30, 2010

### Definitions

Revises the definitions of "owner" and "brine" in the Oil and Gas Law, and applies the definition of "urbanized area" to the entire Oil and Gas Law.

Defines "well stimulation" or "stimulation of a well," "production operation," "annular overpressurization," "idle and orphaned well," "temporary inactive well," "material and substantial violation," and "severer" in the Oil and Gas Law.

### Oil and gas regulatory cost recovery assessment

Beginning July 1, 2010, levies on the owner of a well that is not an exempt domestic well an oil and gas regulatory cost recovery assessment on a quarterly basis, and establishes a formula for determining the amount of the assessment.

Authorizes an owner to designate a severer to pay the assessment on the owner's behalf on a return that a severer is required to file under the Severance Tax Law, and authorizes such a severer to recoup the amount of the assessment from the owner.

Levies on the owner of a well that becomes an exempt domestic well on and after July 1, 2010, an annual oil and gas regulatory cost recovery assessment of \$60.

Establishes requirements and procedures for the collection of the assessment, and requires all money received from the assessment to be credited to the Oil and Gas Well Fund.

## **Injection well disposal fee**

Levies on the owner of an injection well a disposal fee of 5¢ per barrel of each substance that is to be injected in the well when the substance is produced within the Division of Mineral Resources Management regulatory district in which the well is located or within an adjoining district or 20¢ per barrel of each such substance when the substance is not produced in such a district.

Specifies that the injection well disposal fee may be levied only up to a maximum of 500,000 barrels of substance per injection well in a calendar year.

Requires the Chief of the Division of Mineral Resources Management to adopt rules that establish requirements and procedures for the collection of the fee, and authorizes the owner of a well to retain up to 3% of the amount collected.

Requires all money received from the fees to be credited to the Oil and Gas Well Fund.

## **Gas storage well regulatory fee**

Levies on an owner a gas storage well regulatory fee of \$125 that must be paid not later than March 31 each year for each well that the owner owned as of December 31 of the previous year that is used for gas storage or that is used to monitor a gas storage reservoir and that is located in a reservoir protective area.

Requires all money collected from the fee to be credited to the Oil and Gas Well Fund and used to administer the Underground Storage of Gas Law and the Oil and Gas Law.

## **Oil and Gas Well Fund**

Revises the uses of money in the Oil and Gas Well Fund, including adding a stipulation that the money be used solely and exclusively for certain plugging, restoration, and corrective activities, for the expenses of the Division associated with administering the Oil and Gas Law and the Underground Storage of Gas Law, and for expenses that are critical and necessary for the protection of human health and safety and the environment related to oil and gas production in the state.

Prohibits expenditures from the Fund for the purchase of real property or to remove a dwelling in order to access a well.

## **Mandatory pooling**

Requires the owner of a tract of land that is of insufficient size or shape to comply with the requirements for drilling a well, and who is unable to form a drilling unit by agreement, to also own the mineral interest in order to submit an application for a mandatory pooling order.

Revises the contents that a mandatory pooling order must contain, including provisions governing the allocation of a pro rata share of the production of a well to owners.

Prohibits a person from submitting more than five applications for mandatory pooling orders per year unless the Chief approves additional applications.

Prohibits surface operations or disturbances to the surface of the land from occurring on a tract pooled by an order without the written consent of or a written agreement with the owner of the tract that approves the operations or disturbances.

Revises the criteria in accordance with which an owner of a tract that is pooled by a mandatory pooling order must be designated as a nonparticipating owner, and specifies that a nonparticipating owner is not liable for actions or conditions associated with the drilling or operation of the well.

## **Minimum acreage requirements**

Requires rules adopted by the Chief relative to minimum acreage requirements for drilling units to require a drilling unit to be compact and composed of contiguous land.

## **Restrictions governing surface location of a well, a tank battery, and other surface facilities**

Establishes minimum distances, under specified circumstances, of a well, a tank battery, and certain other oil and gas surface facilities from an occupied dwelling, the property line of a parcel of land, certain public buildings, railroad tracks and certain portions of public roads, existing inhabited structures, other wells and tank batteries, mechanical separators, certain vessels, and other similar oil and gas surface facilities.

Establishes means by which written consent of an owner of land may be provided to a reduction of a minimum distance of a well or a tank battery from an occupied dwelling or a property line of a parcel of land when the occupied dwelling or property line is located on land in an urbanized area and has become part of a drilling unit pursuant to a mandatory pooling order.

## **Application for a permit to drill a well**

Revises the application requirement concerning notification of the submission of an application for a permit to drill a new well by requiring the notice to be provided by regular mail to the owner of each parcel of real property, rather than to the owner of each occupied dwelling as in former law, that is within 500 feet of the surface location of the well and to the executive authority of the municipal corporation or the board of township trustees of the township, as applicable, in which the well is to be located, and applies that requirement only to a new well within an urbanized area.

Establishes new time periods within which a permit must be issued if a well or proposed well will be or is within an urbanized area; increases the application fee for a permit to drill a well from \$250 to \$500 to conduct activities in a township with a population of fewer than 10,000, rather than 5,000 as in former law; and establishes an additional application fee of \$5,000 if the application is for a permit that requires mandatory pooling.

Requires the Division to conduct a site review prior to the issuance of a permit to identify and evaluate any site-specific terms and conditions that may be attached to a permit to drill a proposed well that will be located within an urbanized area; requires a representative of the Division at the site review to consider fencing, screening, and landscaping requirements for similar structures in the applicable community; and requires the terms and conditions that are attached to the permit to include the establishment of fencing, screening, and landscaping requirements for the surface facilities of a proposed well, including a tank battery of the well.

## **Subjects for terms and conditions of a permit**

Adds noise mitigation as an additional subject that the Chief must address when attaching terms and conditions to a permit with respect to a well and the production facilities of a well that are located within an urbanized area.

## **Term of a permit to drill**

Revises the time for which a permit to drill is valid by specifying that a permit for a well that is or is to be located in an urbanized area is valid for 12 months and all other permits are valid for 24 months rather than 12 months for all permits as in former law.

## **Public meeting by a political subdivision concerning a proposed lease agreement**

Requires the legislative authority of a political subdivision to conduct a public meeting concerning a proposed lease agreement for the development of oil and gas

resources on land that is located in an urbanized area and that is owned by the political subdivision prior to entering into the agreement.

Establishes procedures and requirements concerning the public meeting and notice of the meeting, including the provision of notice of the meeting to the owner of each parcel of real property that is located within 500 feet of the surface location of the property that is the subject of the proposed lease.

Requires an owner of real property that receives notice of a public meeting to provide a copy of the notice to each residence in an occupied dwelling that is located on the owner's parcel of property, if any.

### **Notice of the filing of a permit application to residents in occupied dwellings**

Requires an owner of a parcel of real property who receives a notice concerning the filing of an application for a permit to drill a new well within an urbanized area to provide a copy of that notice within five days of receipt of the notice to each residence in an occupied dwelling that is located on the owner's parcel.

### **Surety bond**

Requires an owner of any well to execute and file a surety bond before operating or producing from a well in addition to prior to being issued a permit as in continuing law.

Revises the requirements concerning updates of financial documents that are applicable to owners of exempt domestic wells and nonexempt domestic wells by requiring an owner of an exempt domestic well to file the updates and removing the requirement that the owner of a nonexempt domestic well file updates in accordance with a schedule established by rule of the Chief.

### **New surety bond in event of forfeiture of surety bond**

Establishes an owner's failure to comply with a final nonappealable order issued by or compliance agreement entered into with the Chief as an additional reason for surety bond forfeiture.

Authorizes the Chief to require an owner, operator, producer, or other person who forfeited a surety bond to post a new surety bond in the amount of \$15,000 for a single well, \$30,000 for two wells, or \$50,000 for three or more wells.

Authorizes the owner of a well, in addition to a surety as in ongoing law, to cause a well to be properly plugged and abandoned and the area properly restored or

pay to the Treasurer of State the cost of plugging and abandonment in lieu of total forfeiture.

### **Liability insurance**

Increases the amount of liability insurance coverage that an owner of a well must obtain from \$300,000 bodily injury coverage and \$300,000 property damage as in prior law to \$1 million bodily injury coverage and property damage coverage unless the well is located in an urbanized area, in which case the liability coverage must be at least \$3 million.

Requires an owner to maintain insurance coverage until all of the owner's wells are plugged and abandoned, as in continuing law, or are transferred to an owner who has obtained insurance and who is not under a notice of material and substantial violation or under a suspension order.

### **Notification prior to commencement of drilling, reopening, converting, well stimulation, or plug back operations**

Requires a permittee to notify an inspector from the Division of Mineral Resources Management at least 24 hours, or within another time agreed to by the Chief's authorized representative, prior to the commencement of drilling, reopening, converting, well stimulation, or plug back operations.

### **Fluid drilling in Onondaga limestone in urbanized areas**

Requires a person who is issued a permit to drill a new well or drill an existing well deeper in an urbanized area to establish fluid drilling conditions prior to penetration of the Onondaga limestone and continue to use fluid drilling until total depth of the well is achieved unless the Chief authorizes drilling without using fluid.

### **Well construction requirements**

Eliminates standards in former law for the construction of a well, and establishes new standards for construction that must be specified in the permit, including a requirement that materials must be used that comply with industry standards for the type and depth of the well and the anticipated fluid pressures that are associated with the well.

Authorizes the Chief to adopt rules that are consistent with the act's construction standards for evaluating the quality of well construction materials and for completing remedial cementing.

Establishes requirements in accordance with which an owner must notify a mineral resources inspector concerning the cementing of a well, and requires an owner to submit to the Chief cement tickets and logs concerning cementing not later than 60 days after the cementing.

Requires the Chief to grant exemptions from the well construction standards and related rules under specific circumstances.

### **Statement of production**

Revises the date by which an owner must submit a statement of production of oil, gas, and brine for the last preceding calendar year from on or before March 1 to on or before March 31, and requires an owner that has more than 100 wells in the state to submit the statement of production electronically.

### **Wireline electric logs**

Increases the time by which a person must file with the Division all logs from 30 days after the completion of a well as in former law to 60 days after the completion of drilling to the proposed total depth or after a determination that a well is a dry or lost hole, and requires a person also to file an accurate well completion record.

Revises the information that must be designated in a log, requires it instead to be designated in a well completion record, and specifies additional information that must be designated, including the dates on which drilling was commenced and completed, the name of the person who drilled the well, the name of the company that performed the logging of the well, and, if applicable, certain fluids used in acidizing or stimulating the well.

Requires an owner of a well to file with the Division a supplemental well completion record if the well is not completed within 60 days after completion of drilling operations, and specifies that the supplemental well completion record must include all of the information required under the act's provisions concerning logs and well completion records.

### **Well stimulation**

Establishes requirements concerning the stimulation of a well, including a requirement that the well be stimulated in a manner that will not endanger underground sources of drinking water, and requirements and procedures concerning damage to specified parts of a well during stimulation.

Requires the owner or the owner's representative to notify a mineral resources inspector not later than 24 hours before commencing the stimulation of a well.

## **Defective wells or casing**

Revises the provisions that prohibit the construction of a defective well or casing.

## **Wells not completed or not producing**

Requires the owner of a well that has not been completed, a well that has not produced within one year after completion, or a well that has no reported production for two consecutive reporting periods to plug the well, obtain a temporary inactive well status for the well under the act, or perform another activity regarding the well that is approved by the Chief.

## **Temporary inactive well status**

Establishes temporary inactive well status for a well, provided that the owner and the well are in compliance with the Oil and Gas Law, rules adopted under it, any terms and conditions of the permit for the well, and any applicable orders issued by the Chief.

Establishes application requirements for temporary inactive well status, requires a person to submit such an application to the Chief on a form prescribed and provided by the Chief, and requires that an application for temporary inactive well status include a \$100 nonrefundable fee.

Specifies that temporary inactive well status expires one year after the date of approval of the application or production from the well commences, whichever occurs sooner.

Establishes requirements and procedures for the renewal of temporary inactive well status, and requires that an application for a renewal include a nonrefundable fee of \$250 for the first renewal and \$500 for each subsequent renewal.

Specifies that a renewal of temporary inactive well status expires one year after the expiration date of the initial temporary inactive well status or one year after the expiration of the previous renewal of temporary inactive well status, or production from the well commences, whichever occurs sooner.

Authorizes the Chief to require an owner after a third renewal to provide a surety bond in an amount not to exceed \$10,000 for each of the owner's wells that has been approved for temporary inactive well status.

## **Permit to plug and abandon a well**

States that the period of time for which a permit to plug and abandon a well is valid is 24 months rather than a period of time from the date of issue established in rule by the Chief as in prior law.

Increases the application fee for a permit to plug and abandon a well if oil or gas has been produced from the well from \$50 to \$250.

Requires the owner of a well or the owner's authorized representative to notify a mineral resources inspector at least 24 hours prior to the commencement of the plugging of a well unless waived by a mineral resources inspector.

Revises the requirements governing the notice that an owner of a well must provide to specified persons of the owner's intention to abandon the well.

Increases the nonrefundable filing fee for an expedited review of an application for a permit to plug and abandon a well, unless the Chief has ordered the applicant to plug and abandon the well, from \$250 to \$500.

## **Payment for plugging of abandoned wells**

Revises from 1951 to 1978 the date prior to which wells must be abandoned in order for a board of county commissioners to submit to the electors the question of establishing a special fund to plug the abandoned wells.

## **Rules for drilling and treatment of wells, production of oil and gas, and plugging**

Authorizes the Chief to adopt rules that specify practices to be followed in the treatment of wells and plugging of wells in addition to rules adopted under continuing law specifying practices to be followed in the drilling of wells and production of oil and gas.

Applies to brine, in addition to oil as in ongoing law, rules concerning procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges.

Authorizes the rules to specify procedures, methods, and equipment and other requirements for equipment to prevent and contain surface and subsurface discharges of fluids, condensates, and gases, and authorizes the rules to specify notifications.

## **Restoration requirements**

Requires an owner or an owner's agent to fill all pits for containing brine and other waste substances and to remove all drilling supplies and equipment within 14

days after a well is completed to total depth in an urbanized area and within two months in all other areas rather than within five months after the drilling of a well was commenced as in prior law.

Requires an owner or an owner's agent to grade, plant, seed, or sod the area disturbed that is not required in the production of the well within three months after drilling is commenced in an urban area and within six months in all other areas, unless the Chief approves a longer time period, rather than within nine months after drilling of a well was commenced as in former law.

Requires an owner or an owner's agent to remove all production and storage structures, supplies, and equipment, and any oil, salt water, and debris, and fill any remaining excavations within three months after the well is plugged in an urbanized area and within six months in all other areas, unless the Chief approves a longer time period, rather than within six months after the well was plugged as in prior law.

### **Secondary or additional recovery operations**

Requires a permit for the underground injection of carbon dioxide for the secondary or tertiary recovery of oil or natural gas.

States that the Chief may authorize tests to evaluate if fluids or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure.

### **Fluids associated with oil and gas development**

Prohibits a person from placing or causing to be placed crude oil, natural gas, or other fluids associated with the exploration or development of oil and gas resources, in addition to brine as in ongoing law, in surface or ground water or in or on the land if the placement causes or could reasonably be anticipated to cause either water that is used for consumption by humans or domestic animals to exceed Safe Drinking Water Act standards or damage or injury to the public health or safety or the environment.

Revises the standards for the storage and disposal of brine and other waste substances, including requiring that pits and steel tanks must be used, rather than just pits, for containing brine and other waste substances in connection with drilling, well stimulation, reworking, reconditioning, plugging back, or plugging operations.

### **Permit to inject brine or other waste substances**

Increases from \$100 to \$1,000 the amount of the fee for a permit to inject into an underground formation brine or other waste substances resulting or obtained from or produced in connection with oil or gas drilling, exploration, or production.

States that the Chief may authorize, in the rules regarding the injection of brine and other waste substances, tests to evaluate if fluids or carbon dioxide may be injected in a reservoir and to determine the maximum allowable injection pressure.

### **Brine transporters**

Requires a business entity that has been issued a registration certificate to transport brine to revise the required surety bonds or certificates of deposit and obtain a new certificate from an insurance company certifying that the business has the required liability insurance if the entity changes its name due to a business reorganization or merger.

Revises the requirements in accordance with which the Chief may release the surety bond or other securities that must be executed and filed with the Division by a transporter of brine.

### **Application of brine to roads**

Permits only brine that is produced from a well to be spread on a road.

Prohibits fluids from the drilling of a well, flowback from the stimulation of a well, and other fluids used to treat a well from being spread on a road.

### **Priority lien**

Establishes that the Division has a priority lien against an owner's interest in a well if the owner fails to pay the fees imposed under the Oil and Gas Law or if the Chief incurs costs to correct conditions associated with the owner's well, and states that such a lien is in addition to a lien imposed by the Attorney General for failure to pay the oil and gas cost recovery assessment or the severance tax on oil or gas.

Authorizes the Tax Commissioner to request the Chief to impose a priority lien against an owner's interest in a well if the Attorney General cannot collect from a severer or an owner for an outstanding balance of amounts due from the oil and gas cost recovery assessment or of unpaid severance taxes on oil or gas, as applicable, and states that such a lien has priority in front of all other creditors.

Establishes procedures and requirements concerning the recording of a lien, certificates of release of a lien, modification of a lien, and other related provisions, and requires all money from the collection of liens to be credited to the Oil and Gas Well Fund.

## **Enforcement actions and orders of the Chief**

States that the Chief's authority to enforce the Oil and Gas Law includes the authority to enter into compliance agreements.

Authorizes the Chief or the Chief's authorized representative to issue an administrative order for a violation of the Oil and Gas Law or rules adopted under it, terms and conditions of a permit issued under it, a registration certificate issued under the Law, or orders issued under it, and authorizes the Chief to issue an order finding that an owner has committed a material and substantial violation.

Revises continuing law to authorize the Chief, by order, to immediately suspend drilling, operating, or plugging activities that are related to a material and substantial violation and to suspend and revoke an unused permit under specified circumstances.

Authorizes the Chief to issue a bond forfeiture order under the Oil and Gas Law for failure to comply with a final nonappealable order or a compliance agreement and to notify drilling contractors, transporters, service companies, or other similar entities of the compliance status of an operator, and authorizes the Chief to issue a suspension order if the owner fails to comply with a prior enforcement action of the Chief.

## **Database of permittee violations**

Requires the Chief to maintain a database on the Division's web site that is accessible to the public, and requires the database to list each final nonappealable order issued for a material and substantial violation, the violator, the date on which the violation occurred, and the date on which the violation was corrected.

## **Appeals by persons affected by an order of the Chief**

Authorizes any person adversely affected by an order of the Chief, rather than claiming to be aggrieved or adversely affected by an order of the Chief as in former law, to appeal to the Oil and Gas Commission for an order vacating or modifying the order.

Requires an appeal to be filed within 30 days after the date on which the appellant received notice by certified mail rather than by registered mail as in prior law, and requires the appeal to be filed within 30 days after the date of the order complained of for all other persons adversely affected by the order.

## **Transfer or assignment of the entire interest in an oil and gas lease**

Requires a notice to the Division of Mineral Resources Management of an assignment or transfer of the entire interest in an oil and gas lease to include a nonrefundable fee of \$100 for each well.

## **Transfer or assignment of the entire interest in an oil or gas well**

Requires the owner of a well who has been issued a permit and who proposes to assign or transfer the entire interest in the well to the landowner for use as an exempt domestic well to submit to the Chief an application for the proposed assignment or transfer, requires the application to include a nonrefundable fee of \$100, and establishes requirements governing the transfer or assignment of a well to a landowner for use as an exempt domestic well.

Requires the proposed exempt domestic well owner to post a \$5,000 bond prior to the assignment or transfer under certain circumstances, and specifies that a new exempt domestic well owner is not subject to severance taxes on oil and gas, but is subject to all applicable fees established in the Oil and Gas Law.

## **Authority of the Division**

Grants the Division of Mineral Resources Management sole and exclusive authority to regulate production operations, as defined by the act, within the state.

Excludes the authority of a municipal corporation to regulate the use of streets from the Division's sole and exclusive authority under the Oil and Gas Law, provided that the authority of the municipal corporation, or of the Director of Transportation or local authorities to issue special permits regarding vehicle size, weight, or load as referenced in continuing law, is not exercised in a manner that discriminates against, unfairly impedes, or obstructs regulated oil and gas activities and operations.

## **Exemption from regulation of investments in natural gas gathering lines and storage facilities**

Requires the Public Utilities Commission of Ohio (PUCO) to exempt from most regulatory laws a natural gas company's investments in gathering lines or storage facilities placed into service on or after January 1, 2010, and any service related to the lines or facilities, provided that the company is in substantial compliance with state policy on the provision of natural gas service.

Grants the PUCO continuous jurisdiction to enforce any terms of an exemption of a natural gas company's investments in gathering lines or storage facilities and related services.

Permits the PUCO to alter, amend, or suspend an exemption of a natural gas company's investments in gathering lines or storage facilities and related services if the PUCO determines, after a hearing, that the exemption has adversely affected the quality, adequacy, or sufficiency of service.

Requires a natural gas company to keep separate operations, resources, employees, and associated books and records involved in any service related to exempt investments in gathering lines or storage facilities from those involved in any nonexempt service, and requires that an exemption order for investments in gathering lines or storage facilities prescribe a functional separation plan for compliance with that requirement.

Prohibits a natural gas company with exempt investments in gathering lines or storage facilities from using those lines or facilities to provide an unregulated or exempt commodity sales service, but provides for a waiver of the prohibition if the company demonstrates that the waiver is just and reasonable.



## **Am. Sub. S.B. 181**

**Sens.** Stewart, Goodman, Schaffer, Seitz, Niehaus, Faber, Gibbs, Gillmor, Harris, Hughes, Patton, Wagoner, Wilson, Carey

**Reps.** Weddington, Boyd, DeBose, Domenick, Driehaus, Evans, Garland, Hagan, Letson, Luckie, Mallory, Reece, Sayre, B. Williams, S. Williams, Winburn, Yuko

**Effective date:** September 13, 2010; certain sections effective June 13, 2010; contains item vetos

### **Natural resources**

Grants an eligible landowner or nonprofit organization qualified immunity from liability for: (1) injury or damage suffered by a person working under the direct supervision of the Division of Mineral Resources Management in the Department of Natural Resources while the person is within a reclamation project work area or by a third party that arises out of or occurs as a result of an act or omission of the Division during the construction, operation, and maintenance of the reclamation project, (2) any failure of an acid mine drainage abatement facility constructed or installed during a reclamation project that is supervised by the Division, or (3) generally the operation, maintenance, or repair of any acid mine drainage abatement facility constructed or installed during a reclamation project.

Requires an eligible landowner to notify the Division of a known, latent, dangerous condition at a reclamation project work area that is not the subject of the reclamation project, and provides that the immunity does not apply to an eligible landowner if the landowner fails to notify the Division.

Provides that the immunity does not apply to an eligible landowner or nonprofit organization if an eligible landowner or nonprofit organization engages in unlawful activities with respect to a reclamation project or if an injury to a person within the reclamation work area results from an eligible landowner's or nonprofit organization's reckless acts or omissions, gross negligence, or willful or wanton misconduct.

Designates that methane gas emitted from an abandoned coal mine constitutes a renewable energy resource rather than an advanced energy resource for purposes of the law governing the promotion of renewable energy usage.

Reestablishes the Ohio Natural Areas Council, and specifies its duties.

Authorizes the transfer of money from the Natural Areas and Preserves Fund to the Departmental Projects Fund for the purpose of paying the salaries of permanent employees of the Division of Natural Areas and Preserves in the Department of Natural Resources through January 1, 2012.

Provides for the transfer of a portion of the investment earnings credited to the Coal-Workers Pneumoconiosis Fund to the Strip Mining Administration Fund for the purposes of administering and enforcing the Coal Mining Law.

## **Environmental protection**

Expands the uses for which money in the Water Supply Revolving Loan Account in the Drinking Water Assistance Fund and money in the Water Pollution Control Loan Fund may be used.

## **Taxation**

Authorizes the Tax Commissioner to refund commercial activity tax (CAT) paid by a business that does not owe any tax, i.e. without a CAT liability, regardless of the business's registration status.

Authorizes a taxpayer and the Tax Commissioner to agree to extend the four-year CAT assessment and refund statute of limitations.

Modifies the tax exemption that is applicable to property owned by or leased to a board of education.

Provides a property tax exemption for a new convention center located in a county with a population exceeding 1.2 million, and exempts construction materials incorporated into such a convention center from sales and use taxation until one year after construction of the convention center is completed.

## **State investments**

Alters the Treasurer of State's authority to invest interim funds of the state in single-issuer debt.

## **Economic development**

Extends from October 15, 2010, to October 15, 2011, the time during which local governments may enter into enterprise zone agreements.

Adds new sporting events to the list of qualifying events for which local governments can receive state grants for hosting.

## **Agriculture**

Applies agricultural commodity testing requirements and procedures under the Agricultural Commodity Handlers Law to a depositor or depositor's agent rather than to a producer or producer's agent.

## **Public employees**

Authorizes a regional water and sewer district or a regional transit authority to offer up to two additional deferred compensation programs for employees.

## **Education**

Revises the requirement to lower the excellent or effective rating of a school district or building that fails to make adequate yearly progress (AYP) for three or more consecutive years by specifying: (1) that the failure must involve two or more of the same student subgroups each year, and (2) that an excellent rating may be lowered only one level, to effective, instead of two levels, to continuous improvement, as in prior law.

Repeals the prohibition against lowering a district's or building's performance rating from the previous year based solely on one subgroup not making AYP.

## **Appropriations**

Makes appropriations for the Job Ready Site and Clean Ohio programs.

Makes changes to appropriations for primary and secondary education to ensure compliance with the State Fiscal Stabilization Fund requirements for fiscal year 2010 under the federal American Recovery and Reinvestment Act.

Makes additional appropriations, including appropriations for chartered nonpublic schools, the operating expenses of the Casino Control Commission, the

casino-related duties of the Inspector General and the Ohio Ethics Commission, and the operation of the Co-Op/Internship Program by the Chancellor of the Ohio Board of Regents, and appropriations for a work force development pilot program to be developed by the Chancellor for areas of the state with high unemployment (PARTIALLY VETOED).



## **Am. S.B. 270**

**Sens.** Hughes and R. Miller, Goodman, Harris, Schiavoni, Strahorn, Turner, Cates

**Reps.** Bacon, Carney, Chandler, Combs, Domenick, Gardner, Garland, Grossman, Harris, Hite, Letson, Luckie, Stewart, Weddington, Yuko

**Effective date:** September 13, 2010

### **Dam construction permit pilot program**

Establishes a dam construction permit pilot program.

Requires the Chief of the Division of Soil and Water Resources in the Department of Natural Resources to determine the filing fee for an eligible dam project for purposes of the pilot program.

Authorizes the Chief to accept a surety bond or other security for an eligible dam project that is less than the surety bond or other security required under continuing law governing dams, and authorizes the Chief to accept incremental surety bond or other security amounts in accordance with specified requirements.

Prohibits the bond or other security from being released until the reservoir is filled to a normal operating pool level and final approval is given by the Chief if the eligible dam project cannot be filled to the normal operating pool level within one year after the approval of the completed construction.

Requires the Chief within 30 days after the issuance of the construction permit for the eligible dam project that is the subject of the pilot program to submit a report to the General Assembly outlining the Chief's findings as to the efficacy of the pilot program.

### **Joint recreation board/district**

Changes the entity owning, operating, and maintaining the park or recreational facility that was the site of the United States Christopher Columbus Quincentenary

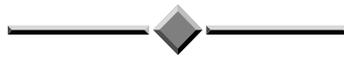
Jubilee horticulture exhibition (Franklin Park Conservatory) from a joint recreation board to a joint recreation district.

Authorizes that joint recreation district to acquire, construct, maintain, and operate additional facilities and greenhouses, authorizes it to issue revenue bonds for the acquisition, construction, furnishing, or equipping of any property, and establishes requirements for the bonds.

Permits that joint recreation district to enter into contracts for a secured line of credit with a bank, savings and loan association, or savings bank.

Expands that joint recreation district's power with respect to its own properties, facilities, activities, and programs.

Authorizes that joint recreation district to enter into lease-purchase agreements, to designate the amounts and forms of property and casualty insurance to purchase, and to exercise other powers granted in the agreement that originally established the district.



# HEALTH

## Sub. H.B. 102

- Reps.** Book, Dodd, B. Williams, Harris, Yuko, J. Adams, Wagner, Gardner, Harwood, Huffman, Mecklenborg, Lehner, Okey, DeGeeter, Oelslager, Derickson, Jordan, Wachtmann, Amstutz, Domenick, Garrison, Boyd, Burke, Combs, Goodwin, Slesnick, Winburn, Letson, Carney, Balderson, Newcomb, Hagan, R. Adams, Bacon, Batchelder, Belcher, Blair, Blessing, Bolon, Boose, Brown, Bubp, Celeste, Chandler, Coley, Daniels, DeBose, Dolan, Driehaus, Dyer, Evans, Fende, Foley, Garland, Gerberry, Goyal, Grossman, Hackett, Hall, Heard, Hite, Hottinger, Jones, Koziura, Luckie, Lundy, Maag, Mandel, Martin, McClain, McGregor, Moran, Morgan, Murray, Otterman, Patten, Phillips, Pillich, Ruhl, Sayre, Sears, Skindell, Snitchler, Stautberg, Stewart, Sykes, Szollosi, Uecker, Ujvagi, Weddington, Zehringer
- Sens.** Gillmor, Buehrer, Schuring, Morano, R. Miller, Smith, Coughlin, Faber, Fedor, Gibbs, Goodman, Husted, Jones, D. Miller, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Seitz, Stewart, Strahorn, Turner, Wagoner, Wilson, Harris, Hughes, Widener

**Effective date:** June 30, 2010

Requires the Department of Health to make available on its web site, for physicians, registered nurses, and physician assistants, printable publications containing standardized, objective information about umbilical cord blood banking.

Requires the Department to encourage physicians, registered nurses, and physician assistants who provide health care services directly related to a woman's pregnancy to provide the publications to pregnant women prior to the third trimester.

Provides immunity from civil liability, criminal prosecution, and professional disciplinary action by the State Medical Board or Board of Nursing for physicians, registered nurses, physician assistants, and health care institutions if such a professional or institution acts in good faith with respect to providing the publications to a pregnant woman.



## Sub. H.B. 190

- Reps.** Fende, McGregor, S. Williams, Moran, Huffman, Yuko, Phillips, Oelslager, Garland, Jordan, Murray, Gerberry, Brown, Bolon, Slesnick, Okey, Pillich, Letson, Hagan, Luckie, Mecklenborg, Blessing, Harwood, B. Williams, Hackett, Lehner,

Patten, Harris, J. Adams, R. Adams, Amstutz, Batchelder, Belcher, Blair, Boyd, Bubp, Carney, Chandler, Combs, Daniels, DeBose, Domenick, Driehaus, Dyer, Evans, Foley, Gardner, Garrison, Goyal, Grossman, Heard, Hottinger, Jones, Koziura, Lundy, Maag, Mallory, Mandel, Newcomb, Otterman, Pryor, Schneider, Sears, Snitchler, Stewart, Szollosi, Uecker, Wachtmann, Winburn, Zehringer

**Sens.** Gillmor, Morano, Buehrer, Coughlin, Faber, Gibbs, Harris, Hughes, D. Miller, R. Miller, Niehaus, Sawyer, Schaffer, Schuring, Seitz, Strahorn, Wilson, Schiavoni, Smith, Carey, Widener

**Effective date:** August 31, 2010

### **Oral Health Access Supervision Program**

Creates the Oral Health Access Supervision Program under which a qualified dentist may authorize a qualified dental hygienist to provide dental hygiene services in certain facilities when no dentist is present.

Prohibits an authorizing dentist from having more than three dental hygienists working under the dentist's authorization at any one time.

Requires that a patient's medical and dental history be reviewed and evaluated by an authorizing dentist before the patient receives services under the Program.

Requires a dental hygienist, after providing services under the Program, to refer the patient to the authorizing dentist for a clinical evaluation and schedule the evaluation.

Prohibits a dental hygienist from providing services under the Program to the same patient on a subsequent occasion without the patient's having had a clinical evaluation by the authorizing dentist in the interim unless one or more procedures cannot be completed during a single visit.

Requires a dental hygienist under the Program to comply with written protocols and standing orders of the authorizing dentist, and prohibits the dental hygienist from diagnosing a patient's oral health care status.

### **Provisions governing dentists and dental hygienists**

Repeals a provision specifying that a dentist's failure to renew registration resulted in automatic license suspension, and replaces it with a provision that permits the State Dental Board to take disciplinary action when a dentist fails to renew registration.

Repeals a provision specifying that a dentist's noncompliance with continuing education requirements constituted failure to renew registration.

Increases from 12 to 24 hours the biennial continuing dental hygiene education requirement.

Specifies courses that the Board must apply toward the satisfaction of the continuing education requirements for a dental hygienist.

Permits a dental hygienist to temporarily retire from practice if the biennial registration fee has been paid unless the hygienist is the subject of a disciplinary action initiated by the Board.

Permits a temporarily retired dental hygienist to apply for licensure reinstatement on completion of 24 hours of continuing education and payment of the biennial registration fee for the preceding registration period.

### **Administration of local anesthesia by dental hygienists**

Permits a dental hygienist who is licensed by the State Dental Board and authorized to administer local anesthesia in another state to administer it in Ohio.

### **School-based fluoride mouth rinse program**

Permits the Director of Health to establish a school-based fluoride mouth rinse program for students in public and nonpublic schools.



## **Sub. H.B. 198**

**Reps.** Lehner and Ujvagi, Grossman, Harris, Jones, Weddington, Foley, Domenick, Hackett, Burke, Bacon, Blair, Ruhl, Martin, Yuko, Derickson, Newcomb, Harwood, Letson, Moran, Winburn, Fende, Garland, McGregor, Bolon, Sears, Patten, B. Williams, Balderson, Batchelder, Beck, Blessing, Boyd, Brown, Carney, Celeste, Combs, Driehaus, Dyer, Evans, Garrison, Gerberry, Goyal, Hagan, Koziura, Luckie, Lundy, Maag, McClain, Morgan, Murray, Phillips, Pillich, Pryor, Reece, Slesnick, Stebelton, Stewart, S. Williams

**Sens.** Morano, Cafaro, Coughlin, Gibbs, Gillmor, Harris, Hughes, Husted, Jones, D. Miller, Niehaus, Sawyer, Schaffer, Schiavoni, Schuring, Seitz, Stewart, Strahorn, Wagoner, Widener, Wilson, Fedor, Smith, Goodman, Patton

**Effective date:** Emergency, June 8, 2010; certain provisions effective September 6, 2010

### **Patient Centered Medical Home Education Pilot Project**

Creates the Patient Centered Medical Home Education Pilot Project to advance medical education in the patient centered medical home model of care.

Creates the Patient Centered Medical Home Education Advisory Group to implement and administer the Project.

Requires the Advisory Group to select not more than 40 physician practices and at least four advanced practice nurse primary care practices to participate in the Project.

Requires the Advisory Group to seek funding for the Project.

Requires the Advisory Group to provide training in the patient centered medical home model of care to the staff of each participating practice and, on securing adequate funding, to reimburse the practice not more than 75% of the cost of necessary health information technology.

Requires the Advisory Group to work with medical and nursing schools to develop curricula in the patient centered medical home model of care.

Requires the Advisory Group to prepare and submit to the Governor and General Assembly three reports on its findings and recommendations.

Establishes additional duties for the continuing Health Care Coverage and Quality Council regarding a patient centered medical home model of care.

### **Choose Ohio First scholarships**

Requires the deans of Ohio's medical schools to develop a proposal for a primary care medical student component of the Choose Ohio First Scholarship Program, and requires the deans or director of five of Ohio's nursing schools to develop a proposal for a primary care nursing student component of the Program.

Requires the Chancellor of the Ohio Board of Regents to review the proposals and determine whether to implement them.

### **Most favored nation clauses in health care contracts**

Extends by one year, to June 25, 2011, the period that prohibitions regarding most favored nation clauses in health contracts with hospitals are to be in effect.

### **Medicaid reimbursement for nursing facilities**

Requires the Department of Job and Family Services to redetermine a nursing facility's Medicaid reimbursement rate for tax costs beginning July 1, 2010, if the nursing facility had a credit regarding its real estate taxes reflected on its Medicaid cost report for calendar year 2003, and requires the redetermination to reflect the nursing facility's tax costs for calendar year 2004.

Increases the fiscal year 2011 Medicaid reimbursement rate for a nursing facility that had a credit regarding its real estate taxes reflected on its Medicaid cost report for calendar year 2003 by the amount of real estate taxes reported on the nursing facility's Medicaid cost report for calendar year 2004 divided by the number of inpatient days reported on that cost report.



## **Am. Sub. S.B. 110**

**Sens.** Niehaus, Cafaro, Fedor, Harris, Kearney, Sawyer, Schaffer, Schiavoni, Seitz, Turner, D. Miller, Strahorn, Smith, R. Miller, Morano

**Reps.** Bubb, Chandler, DeBose, Domenick, Garland, Hagan, Harwood, Letson, Luckie, Mallory, Reece, Uecker, Walter, Weddington, B. Williams, Winburn, Yuko

**Effective date:** September 17, 2010

Requires the Public Health Council to adopt new rules governing sewage treatment systems.

Specifies that the rules must require boards of health to approve or disapprove the installation, operation, or alteration of sewage treatment systems, and establishes new requirements for alteration permits as well as installation and operation permits.

Requires rules governing the siting, design, installation, operation, monitoring, maintenance, and abandonment of sewage treatment systems that are required to be adopted under continuing law to also address the progressive and incremental alteration or repair of an existing system and the progressive or incremental installation of a new system to replace an existing system.

Requires rules governing the siting, design, installation, operation, monitoring, maintenance, and abandonment of sewage treatment systems that are required to be adopted under continuing law to be adopted so as to establish a preference for the repair of an existing sewage treatment system, when technically and economically feasible, rather than its replacement with a new system.

Requires the adoption of rules governing soil absorption specifications and vertical separation distances, requires the rules to identify soil conditions that present low, moderate, or high risks of inadequate treatment of sewage, establishes approval procedures for higher vertical separation distances, and requires the rules to include options for the reduction of vertical separation distances, including the use of certain types of drains, pretreatment of sewage, and soil elevation.

Requires the adoption of rules establishing specifications for the quality of treated sewage effluent from systems and rules governing the reasonable maintenance of systems according to maintenance requirements approved by the Director of Health or according to accepted standards and practices.

Specifies that the rules must require each board of health to develop a program for the administration of maintenance requirements, including requirements under which a person may demonstrate the required maintenance of a system in lieu of having an inspection conducted.

Specifies that the rules must prescribe criteria and procedures under which a board of health must issue alteration permits, in addition to installation permits and operation permits as under continuing law, and must require a board of health to notify the Director of Health regarding the issuance of an installation, operation, or alteration permit and to computerize the process of the issuance of such permits to the extent practicable.

Specifies that the rules must require an inspection of a system not later than 12 months, rather than 18 months, after installation.

Specifies that the rules must establish uniform statewide bonding requirements or other financial security requirements for installers, service providers, and septage haulers and that the rules must establish a cost methodology for determining the fee for the registration of installers, service providers, and septage haulers.

Requires rules to be adopted governing sewage treatment system instructions, standards for the use of drains, inspections of septage hauling truck tanks, the structural soundness of septic tanks and other sewage treatment system components, notice and hearing requirements regarding actions of a board of health, and the regulation of gray water recycling systems.

Declares what constitutes a public health nuisance for purposes of the Household and Small Flow On-Site Sewage Treatment Systems Law (Sewage Treatment Systems Law).

Broadens the authority of boards of health to adopt rules governing sewage treatment systems that are more stringent than rules of the Public Health Council, requires boards of health to consider and document the economic impact of their rules on property owners, and establishes additional requirements governing the adoption of rules by boards of health.

Requires a board of health to approve or deny, in the health district in which it has jurisdiction, the installation, operation, or alteration of sewage treatment systems

that have been approved for use in Ohio, and establishes requirements governing such approval or denial.

States that an application for an installation permit that is accepted by a board of health prior to January 1, 2012, must be valid for three years from the date of the submission of the complete application and the accompanying application fee and that an installation permit issued by a board of health prior to January 1, 2012, must be valid until January 1, 2013, unless extended by a board of health for not more than an additional six months.

Alters the duties of the Sewage Treatment System Technical Advisory Committee with respect to the approval of new sewage treatment systems and components of systems, and alters the membership of the Committee.

Alters the time frames, procedures, and requirements to be followed by the Director of Health when approving or disapproving applications for the installation and use of a sewage treatment system in Ohio that differs in design and function from systems or components of systems that are already authorized for use in Ohio under rules, including the addition of a requirement that the Director include terms and conditions with the approval of a system.

Requires the Director of Health to develop educational programs to educate owners of sewage treatment systems regarding the proper operation and maintenance of those systems.

Alters requirements governing fees charged by boards of health for purposes of the Sewage Treatment Systems Law and fees established by the Public Health Council for use by the Director of Health for purposes of that Law.

Alters requirements governing emergency orders of health commissioners under that Law.

Establishes procedures under which appeals from hearings by a board of health under that Law may be made either to a court of common pleas or to a county sewage treatment system appeals board, and establishes procedures for the appointment and operation of a sewage treatment system appeals board.

Provides that a sewage treatment system that was in operation prior to the act's effective date cannot be required to be replaced with a new sewage treatment system under the Sewage Treatment Systems Law or rules adopted under it and must be deemed approved if the system does not cause a public health nuisance or, if the system is causing a public health nuisance, repairs are made to the system that eliminate the public health nuisance as determined by the applicable board of health.

States that the rules governing sewage treatment systems that are in effect on the act's effective date must remain in effect until those rules are superseded by rules adopted under the act, and specifies that the new rules adopted under the act must not take effect prior to January 1, 2012.

Establishes other requirements governing sewage treatment systems.

Extends to December 15, 2010, the date by which the recommendations of the Great Lakes-St. Lawrence River Basin Water Resources Compact Advisory Board are due.



## HIGHWAYS AND TRANSPORTATION

### Am. Sub. H.B. 27

- Reps.** Gerberry, Hagan, Okey, Bolon, Carney, Domenick, Foley, Yuko, Combs, Balderson, McClain, Ruhl, Zehringer, R. Adams, Amstutz, Baker, Batchelder, Beck, Belcher, Blair, Blessing, Book, Boose, Bubp, Burke, Chandler, Coley, Daniels, DeBose, DeGeeter, Derickson, Dodd, Dolan, Driehaus, Dyer, Fende, Gardner, Garland, Garrison, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Heard, Hite, Hottinger, Huffman, Jordan, Lehner, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Oelslager, Phillips, Pillich, Pryor, Sayre, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stewart, Szollosi, Uecker, Ujvagi, Wachtmann, Weddington, B. Williams, S. Williams, Yates
- Sens.** Patton, Schaffer, Gibbs, Turner, Fedor, Wilson, Buehrer, Cafaro, Faber, Grendell, Harris, Hughes, D. Miller, Schiavoni, Strahorn, Widener, Schuring, Gillmor, Kearney, R. Miller, Smith, Stewart, Sawyer, Cates

**Effective date:** May 31, 2010

Creates "Special Olympics," "Pediatric Brain Tumor Awareness," "Phi Theta Kappa," "Prince Hall Freemason," "Proud Supporter of the American Red Cross," and "Teen Driver Education" special license plates.

Authorizes a motorcycle version of the continuing "Purple Heart" license plate when determined feasible, and provides additional necessary language for three continuing special license plates.

Designates the "Corporal Jason J. Hernandez Memorial Highway," "Sgt. Jeremy Murray Memorial Highway," "Lance Corporal Thomas O. Keeling Memorial Highway," "Lance Corporal David Raymond Baker Memorial Highway," "Staff Sgt. Matthew J. Kuglics Memorial Highway," "Korean War Veterans' Memorial Highway," "Major Rocco Barnes Memorial Highway," "Navy Hospitalman Richard "Doc" Powell Memorial Highway," "Captain Seth Mitchell Memorial Highway," "Senator William Bowen Memorial Highway," "Officer Brett Markwood Memorial Highway," "Sgt. Sean Landrus Memorial Highway," "Guernsey County Veterans – Flags of Honor Memorial Highway," "Ashland County Veterans' Memorial Highway," "Fred Krum Memorial Interchange," "William Holmes McGuffey Memorial Highway," and "Sgt. Michael W. Finke, Jr., Memorial Highway."

Designates the "Union Workers Memorial Bridge."



## Sub. H.B. 50

**Reps.** Domenick, B. Williams, Harris, Huffman, Brown, Murray, Oelslager, Okey, Bolon, Winburn, Harwood, Phillips, Hottinger, McGregor, Bacon, Balderson, Batchelder, Blair, Boose, Boyd, Bubp, Burke, Carney, Combs, DeBose, Derickson, Dyer, Evans, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Hagan, Heard, Lehner, Letson, Luckie, Mallory, Martin, McClain, Moran, Morgan, Patten, Pillich, Pryor, Ruhl, Sayre, Sears, Slesnick, Snitchler, Stebelton, Stewart, Uecker, Wachtmann, Weddington, S. Williams, Yuko, Zehringer

**Sens.** Turner, Fedor, Buehrer, Harris, Hughes, D. Miller, Morano, Patton, Sawyer, Schiavoni, Strahorn, Wagoner, Smith

**Effective date:** September 8, 2010

Requires that the certificates of registration issued by the Registrar of Motor Vehicles include a portion that contains all of the information of the main portion except the address of the person to whom the Registrar issues the certificate.

Establishes a general prohibition against any pilot carrying passengers in an aircraft unless the pilot has a certificate issued by the United States that authorizes the holder to carry passengers and the pilot is carrying any passengers in accordance with the applicable certificate requirements.



## H.B. 330

**Reps.** Patten, Chandler, DeGeeter, Domenick, Evans, Fende, Foley, Garland, Harris, Letson, Okey, Phillips, Pryor, Skindell, Weddington, B. Williams, Yuko, Hagan, Mallory, Bolon, Combs, Balderson, McClain, Ruhl, R. Adams, Bacon, Baker, Batchelder, Belcher, Boose, Brown, Bubp, Burke, Carney, Celeste, Coley, Daniels, DeBose, Derickson, Dodd, Driehaus, Dyer, Gardner, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Hite, Hottinger, Huffman, Jordan, Koziura, Luckie, Lundy, Maag, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Pillich, Sayre, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Ujvagi, Wagner, Winburn, Zehringer

**Sens.** Gillmor, Schuring, Wagoner, Harris, Gibbs, Strahorn, Fedor, Jones

**Effective date:** March 24, 2011

Permits school districts to participate in Department of Transportation contracts for the purchase of machinery, materials, supplies, and other articles.



# HUMAN SERVICES

## Am. Sub. H.B. 398

**Reps.** Newcomb and Lehner, Harwood, Derickson, Domenick, Grossman, Garland, Hagan, Evans, Snitchler, Phillips, B. Williams, Dyer, Fende, Wachtmann, Ruhl, Hackett, Letson, Stebelton, Harris, Bubp, Hottinger, Stautberg, Pillich, Murray, Driehaus, Brown, McClain, Weddington, Mallory, Goyal, Baker, Blessing, Dolan, Yuko, Okey, Foley, R. Adams, Amstutz, Bacon, Balderson, Batchelder, Beck, Belcher, Boose, Boyd, Burke, Carney, Celeste, Chandler, Combs, Daniels, DeBose, DeGeeter, Gardner, Gerberry, Goodwin, Hall, Heard, Hite, Koziura, Luckie, Lundy, Maag, Martin, Mecklenborg, Moran, Morgan, Oelslager, Otterman, Patten, Pryor, Reece, Sayre, Sears, Skindell, Slesnick, Stewart, Szollosi, Uecker, Walter, Winburn, Zehringer

**Sens.** Carey, D. Miller, Sawyer, Kearney, Buehrer, Cafaro, Gibbs, Gillmor, Grendell, Harris, Hughes, R. Miller, Morano, Schaffer, Seitz, Fedor, Turner

**Effective date:** August 31, 2010

### Home First

Permits individuals to qualify for enrollment in the PASSPORT, Assisted Living, and PACE programs through the Home First process without first having been admitted to a nursing facility.

Requires the Ohio Department of Aging (ODA) to establish a unified waiting list for the PASSPORT, Assisted Living, PACE, and Choices programs, and restricts placement on the waiting list to individuals who are eligible for one of those programs.

Eliminates a requirement that ODA approve an individual's enrollment in the PASSPORT program through the Home First process even though the individual's enrollment would cause the program's enrollment to exceed the limit that would otherwise apply.

Revises the law governing cash transfers and expenditure authorizations regarding Home First for fiscal years 2010 and 2011.

Requires the Director of Budget and Management, during fiscal years 2012 and 2013, to make a cash transfer in support of Home First.

## **Collection of long-term care facilities' Medicaid debts**

Revises the law governing the collection of a nursing facility's or ICF/MR's Medicaid debt when the nursing facility or ICF/MR undergoes a change of operator, closes, or ceases to participate in the Medicaid program.

## **Certificate of need**

Requires the Director of Health to accept, until December 31, 2010, certificate of need applications for an increase of up to 15 beds in an existing nursing home located in a county with a population of 1 million to 1.1 million if the increase is attributable solely to a relocation of long-term care beds from an existing hospital located in a contiguous county with a population of 40,000 to 45,000.

Revises circumstances under which the Director of Health is to deny a certificate of need for the addition of long-term care beds to an existing health care facility or for the development of a new health care facility.



**Am. Sub. H.B. 48**

**Reps.** Ujvagi, Phillips, Murray, Pryor, Harris, Dodd, Lundy, Book, Letson, Fende, Yuko, Skindell, Goyal, Pillich, S. Williams, Belcher, Boyd, Brown, Carney, Celeste, Chandler, Daniels, Driehaus, Dyer, Foley, Garland, Garrison, Hagan, Harwood, Heard, Koziura, Luckie, Mallory, Newcomb, Okey, Otterman, Patten, Sayre, Schneider, Stewart, Szollosi, Weddington, B. Williams, Winburn

**Sens.** Fedor, Hughes, Cafaro, Faber, Grendell, Harris, Husted, Jones, Kearney, D. Miller, R. Miller, Morano, Niehaus, Patton, Sawyer, Schaffer, Schiavoni, Schuring, Smith, Strahorn, Turner, Wilson, Widener, Wagoner

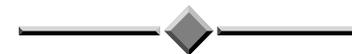
**Effective date:** July 2, 2010; certain provisions effective April 2, 2010

Provides two weeks of leave for any employee who is the spouse, the parent, or a person who has or had legal custody of a member of the uniformed services who is called to active duty or is injured, wounded, or hospitalized while serving on active duty.

Provides for implementation of the federal uniformed services and overseas absent voting law.

Allows a tax deduction for the Persian Gulf, Afghanistan, or Iraq conflict veterans bonus.

Makes an appropriation to pay the bonus.



**Am. Sub. S.B. 187**

**Sens.** Seitz, Sawyer, Cates, Gillmor, Grendell, Kearney, R. Miller, Patton, Harris, Hughes

**Reps.** Murray, Coley, Boyd, Brown, Carney, Combs, Domenick, Garland, Harris, Letson, Luckie, Pillich, B. Williams, Winburn, Yuko

**Effective date:** September 10, 2010

Requires any person establishing a new planned community to file a declaration and bylaws, providing for the operation of the planned community, with the county recorder.

Requires a planned community to be administered by an owners association through a board of directors, and specifies the duties and powers of an owners association.

Establishes certain rights and responsibilities of planned community lot owners.

Establishes rules regarding board of director meetings, common expenses, and assessments.

Authorizes an owners association, under specific circumstances, to place a lien on the estate or interest in any lot for the payment of any assessment or charge and related fees.

States that a board of directors of an owners association must comply with all applicable state and federal anti-discrimination laws.

Requires the board of directors of the owners association of a planned community in existence on the act's effective date to file and record with the county recorder within specified periods of time the bylaws in effect on that effective date or the bylaws adopted on or after that effective date, and requires the board of directors of the owners association of any planned community to file and record with the county recorder within a specified period of time an amendment to the bylaws.



## **Sub. S.B. 204**

**Sens.** Wagoner, Carey, Gibbs, Grendell, Husted, Jones, Morano, Niehaus, Patton, Schaffer, Widener, Schuring, Kearney, Buehrer, Harris, Hughes, D. Miller, Sawyer, Seitz, Turner, Wilson

**Reps.** Okey, Murray, Book, Coley, Dyer, Stebelton, R. Adams, Bacon, Balderson, Beck, Belcher, Blair, Blessing, Bolon, Boose, Boyd, Brown, Bubb, Carney, Celeste, Chandler, Combs, Daniels, DeGeeter, Dodd, Domenick, Evans, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Heard, Hottinger, Koziura, Lehner, Letson, Luckie, Lundy, Maag, Mallory, McClain, Mecklenborg, Moran, Newcomb, Oelslager, Phillips, Pillich, Pryor, Ruhl, Schneider, Sears, Skindell, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Wachtmann, Walter, Weddington, B. Williams, Winburn, Yuko, Zehring

**Effective date:** September 10, 2010

## **Termination, cancellation, discontinuance, or nonrenewal of a new motor vehicle franchise, generally**

Specifically applies the provisions of the New Motor Vehicle Franchisee Law pertaining to the termination, discontinuance, or nonrenewal of a franchise, as amended by the act, to the cancellation of a franchise.

Adds circumstances that do not constitute good cause to terminate, cancel, discontinue, or not renew a franchise.

## **Termination, cancellation, discontinuance, or nonrenewal of a franchise based on change in ownership, cessation of business operations, or discontinuance of product**

Requires a franchisor proposing to terminate, cancel, discontinue, or not renew a franchise for specified reasons to provide notice 12 months prior to the effective date of the proposed action.

Specifies that a franchise continues in full force and operation notwithstanding a change of an established plan or system of distribution of the motor vehicles offered for sale under the franchise.

Requires the manufacturer to pay fair and reasonable compensation to the new motor vehicle dealer upon the franchisor's termination, cancellation, discontinuance, or nonrenewal of the franchise, including the franchise's fair market value, new motor vehicle inventory, and certain other items.

Requires, generally, the manufacturer to pay dealership facilities assistance to a new motor vehicle dealer in an amount that depends on how the facilities are held.

Requires disputes arising between a manufacturer or distributor and a new motor vehicle dealer to be resolved by submitting the dispute to the manufacturer's internal dispute resolution process if one is available, and requires the dispute to be submitted to a court of competent jurisdiction if no such process exists.

## **Prohibitions**

Regulates franchisor information available to a franchisee and a franchisee's allotment of motor vehicles or quota.

Enacts franchisor prohibitions relating to:

- (1) Making certain items equally available to its same line-make franchisees;

- (2) Reimbursing nonfranchised persons for warranty and recall work;
- (3) A franchisee acquiring a new motor vehicle line-make when it owns or operates a franchise of the same line-make in a contiguous market;
- (4) Using a franchisor-owned financial services or leasing company to accomplish what would otherwise be illegal conduct;
- (5) Charge-backs;
- (6) Payment of incentive compensation or payment to the franchisee;
- (7) The franchisee charging consumers legally allowed fees;
- (8) The capital structure of the franchisee and the means by which the franchisee finances dealership operations;
- (9) The dealership's location and alterations to dealership premises;
- (10) Performance standards for measuring franchisee performance;
- (11) Maintaining exclusive sales facilities, sales display space, personnel, service, parts, or administrative facilities;
- (12) Discriminating among the franchisor's dealers in programs that provide dealer assistance; and
- (13) Providing to the franchisor certain information concerning the dealership or any information regarding the dealership's customers.

Prohibits a franchise agreement from containing certain provisions regarding payment of attorney fees, waiving rights, or waiving any provision of the Motor Vehicle Dealers Law.

Allows the parties to enter into a voluntary agreement to arbitrate or mediate a controversy after it arises so long as the agreement requires that the dispute be heard in Ohio and that the arbitrator or mediator apply Ohio law in resolving the controversy.

### **Warranty and recall obligations**

Requires a franchisor to fulfill certain warranty and recall obligations.

## Application of the act

Prohibits the act from applying to franchisors and franchisees who deal in recreational vehicles.



# INSURANCE

## Sub. H.B. 300

**Reps.** Dyer and Hottinger, Heard, Combs, Luckie, Murray, B. Williams, Okey, Fende, Brown, Batchelder, Boyd, Carney, Chandler, DeBose, Dodd, Domenick, Evans, Garland, Hackett, Harris, Harwood, Letson, Mecklenborg, Sayre, Snitchler, Stewart, Yates

**Sens.** Schaffer, Buehrer, Faber, Gillmor, Harris, Hughes, Husted, D. Miller, Turner, Wagoner, Schiavoni

**Effective date:** Emergency, February 25, 2010; certain provisions effective January 1, 2012; certain sections effective other than those dates

Makes changes to insurance agent and surety bail bond agent licensure requirements, including examination requirements, filing of a change of address, application requirements, criminal records checks, and continuing education.

Requires biennial renewal for insurance agents, and makes changes to the license renewal requirements for surety bail bond agents.

Revises and expands the reasons for which the Superintendent of Insurance may suspend, revoke, or refuse to issue or renew a license of an agent or impose other specified sanctions.

Adds to the list of certain persons and classes of persons that are prohibited from acting as surety bail bond agents or employees of a surety bail bond agent or business: (1) prisoners incarcerated in any jail, any prison, or any other place used for the incarceration of persons, (2) any person employed at an attorney's office, and (3) judges.

Prohibits posting anything without using a bail instrument representing an insurer, to have a defendant released on bail on all types of set court bail, with certain exceptions.

Makes changes, with regard to surety bail bond agents, to continuing law's requirements for appointments by insurers and for registering with a court.

Repeals regulation of appointments of solicitors by agents.

Allows the Superintendent to adopt rules regarding the renewal, extension, reactivation, and reinstatement of certain licenses and to establish certain fees.

Requires certain fees to be deposited in the Department of Insurance Operating Fund.

Moves the due date for the foreign insurers tax to on or before the 31st day of March.

Allows the Superintendent to delay the implementation and enforcement of the act's provisions and of the repeal of provisions by the act, with certain exceptions.

Changes the method by which a health insuring corporation can deliver certain information to its subscribers.

Increases certain thresholds relating to potential liability of the Ohio Life and Health Guaranty Association.

Removes from the annual statement of the condition of an insurance company a certification regarding loss and loss adjustment reserves for medical malpractice business.

Removes an additional reporting requirement for certain property and casualty insurers.

Adds a company action level event for which a health insuring corporation or property and casualty insurer must file a risk-based capital (RBC) plan.

Allows the National Association of Insurance Commissioners' amendments to RBC instructions to take effect without the Superintendent of Insurance adopting those amendments.

Transfers from the Board of Directors of the Ohio Health Reinsurance Program to the Superintendent of Insurance the authority to design Ohio Health Care (OHC) plans.

Excludes from the franchise tax calculation for a domestic insurance company's health insuring corporation line of business payments received pursuant to the Medical Assistance Program (Medicaid) for the period ending September 30, 2009.

Temporarily extends the time after employment during which a person can keep the person's health insurance coverage from 12 months to up to 15 months, dependent on whether federal subsidies are available for the continuation coverage premiums.



## Am. Sub. H.B. 10

**Reps.** Brown, Szollosi, B. Williams, Letson, Harwood, Stewart, Chandler, Gardner, Boyd, Garrison, Otterman, Luckie, Stebelton, Harris, Newcomb, S. Williams, Phillips, Foley, Slesnick, Fende, Pillich, Book, Mecklenborg, Skindell, Yates, Amstutz, Bacon, Belcher, Blair, Bolon, Boose, Bubp, Carney, Celeste, Coley, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Garland, Gerberry, Goyal, Grossman, Hackett, Hagan, Heard, Hottinger, Jones, Koziura, Lehner, Lundy, Mallory, Mandel, McClain, Murray, Oelslager, Okey, Patten, Pryor, Ruhl, Sayre, Sears, Snitchler, Ujvagi, Weddington, Winburn, Yuko, Zehringer

**Sens.** Schuring, Kearney, D. Miller, Seitz, Cates, Fedor, Gibbs, Gillmor, Hughes, Husted, Jones, R. Miller, Morano, Niehaus, Patton, Sawyer, Schiavoni, Smith, Strahorn, Turner, Wagoner, Widener, Wilson, Harris, Buehrer, Goodman, Schaffer

**Effective date:** June 17, 2010

Provides that the continuing procedure for obtaining a protection order to protect the victim of menacing by stalking or a sexually oriented offense applies to offenders who are 18 years of age or older.

Requires a petition for a protection order against a respondent who is a minor to be filed in the juvenile division of the court of common pleas in the county in which the petitioner resides.

Creates a procedure in the Juvenile Code, parallel to the continuing procedure for obtaining a protection order to protect a victim of menacing by stalking or a sexually oriented offense, for obtaining a civil protection order against a minor respondent pursuant to which a person alleges that: (1) the respondent committed felonious assault, aggravated assault, assault, aggravated menacing, menacing by stalking, menacing, or aggravated trespass, a sexually oriented offense, or a violation of a municipal ordinance that is substantially equivalent to any of those offenses against the person, and (2) the respondent is less than 18 years of age.

Provides that a petition for a civil protection order against a minor respondent may be filed by any person on behalf of that person, any parent or adult family or household member on behalf of any other family or household member, or any person who is determined by the court in its discretion as an appropriate person to seek relief on behalf of any child.

Authorizes the juvenile court, after appropriate hearings, to issue a civil protection order that contains terms designed to ensure the safety and protection of the person to be protected, including the electronic monitoring of the respondent upon certain allegations and findings, and requires the protection order to clearly state that the person to be protected cannot waive or nullify by invitation or consent any requirement in the order.

Provides that the juvenile court may determine if a respondent who is less than 18 years of age is entitled to court-appointed counsel in the proceeding for a civil protection order.

Allows victims of domestic violence to apply for a civil protection order or consent agreement in the juvenile division of the court of common pleas of the county in which the person to be protected resides if the respondent is under 18 years of age.

Requires that a civil protection order or consent agreement against a respondent who is under 18 years of age include a provision that the juvenile court will automatically seal the records of the proceeding in which the order is issued or the agreement approved on the date on which the respondent attains 19 years of age unless the petitioner provides the court with evidence that the respondent has not complied with all of the terms of the order or agreement, and requires the order or agreement to specify the date on which the respondent attains 19 years of age.

Requires a juvenile court that issues a civil protection order or approves a consent agreement against a person who is under 18 years of age to automatically seal all of the records of the proceeding in which the order was issued or the agreement approved on the date on which the person against whom the order was issued or the agreement approved attains 19 years of age if the court determines that the person has complied with all of the terms of the order or agreement, and requires a juvenile court to automatically seal all of the records in the applicable proceeding if it does not issue any civil protection order or approve any consent agreement in the proceeding.

Provides that if a juvenile court determines that a person who is under 18 years of age and against whom a protection order or consent agreement is issued or approved did not comply with all of the terms of the protection order or consent agreement, the juvenile court must consider sealing all of the records of the proceeding upon the court's own motion or the application of the person, and provides that such a motion or application may be made at any time after two years after the expiration of the protection order or consent agreement.

Includes violating a civil protection order or a consent agreement obtained against a respondent who is under 18 years of age under the above procedures in a juvenile court within the offense of violating a protection order.

Expands the jurisdiction of the juvenile court to hear and determine matters involving protection orders or consent agreements against a child and to enforce those orders or agreements until a date certain, but not later than the date on which the child attains 19 years of age.

Includes a foster parent in the definition of "family or household member" in the criminal and civil domestic violence laws.

Requires the Attorney General to represent any court of appeals, court of appeals judge, or court of appeals employee in a case brought against the court, judge, or employee that does not seek monetary relief.

Provides that the court is no longer required to electronically monitor an indigent minor who is the subject of a protection order issued under the act once the maximum amount of \$300,000 that can be paid out of the Reparations Fund for electronic monitoring under protection orders and consent agreements is reached.

Designates the statewide communications network of information, data, and statistics used by Ohio law enforcement agencies as the Ohio Law Enforcement Gateway, and creates the offense of unauthorized use of the Ohio Law Enforcement Gateway, a fifth degree felony.

Designates as the Shynerra Grant Law the provisions of the act that pertain to civil protection orders against minors, electronic monitoring, the offense of violating a protection order, sealing of juvenile court records, juvenile court jurisdiction, and domestic violence laws.

Provides that in Butler County, the judges of the division of domestic relations also have concurrent jurisdiction with the judges of the juvenile division with respect to certain types of cases regarding custody, support, or custody and support of a child.



## LOCAL GOVERNMENT

### Sub. H.B. 313

**Reps.** Ujvagi and Winburn, Domenick, Patten, Murray, Hagan, Driehaus, B. Williams, Foley, Skindell, S. Williams, Letson, Stewart, Lehner, Yuko, Bacon, Belcher, Blair, Bolon, Boose, Boyd, Brown, Carney, Celeste, Chandler, Combs, DeBose, DeGeeter, Dyer, Fende, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Harris, Heard, Koziura, Luckie, Mallory, Mecklenborg, Moran, Newcomb, Pillich, Szollosi, Weddington, Yates

**Sens.** D. Miller, Schuring, Strahorn, Cafaro, Fedor, Harris, Kearney, R. Miller, Morano, Sawyer, Schiavoni, Smith, Turner, Wilson, Gibbs, Wagoner

**Effective date:** July 7, 2010

Authorizes a county with a population greater than 60,000 to organize a county land reutilization corporation (CLRC).

Authorizes the county treasurer of any county with a CLRC to invoke a potentially shorter period of time within which a property owner can redeem tax-foreclosed property by paying the tax debt.

Exempts a CLRC from being subject to equitable remedies in connection with a parcel of land the CLRC acquires.

Immunizes a CLRC from liability for breach of a common law duty in connection with a parcel of land the CLRC acquires.

Modifies the membership of a CLRC board of directors.

Authorizes county funds not currently needed for expenditure to be used to purchase CLRC-issued obligations.

Authorizes a county treasurer to pledge property tax penalties and interest to the repayment of CLRC-issued obligations and to grant a security interest in the penalties and interest if the treasurer, under continuing law, advances money to taxing units in anticipation of collecting otherwise unpaid taxes; and requires continued advances as necessary to satisfy the pledge.

Requires CLRC annual financial reports to be made available online.

Specifies that when a law designates two or more county ex-officio representatives to serve on a board or other body, and a county's charter combines the

designees' offices, the combined office succeeds to only one of the ex-officio positions on the board or body and that any resulting vacancy on the board or body is to be filled by the county taxing authority.

Authorizes new community authorities created on or after July 7, 2010, and before January 1, 2012, to impose a community development charge based on business revenues or gross receipts.

Authorizes citizen members of the board of trustees of such a new community authority to be selected by means other than an election.

Expands the purposes for which such a new community authority's community facilities may be used to include governmental, industrial, commercial, distribution, and research activities.

Expressly authorizes counties to levy taxes outside the 10-mill limitation for soil and water conservation districts and Ohio State University Extension services.

Authorizes the state to convey real property that was the Twin Valley Behavioral Healthcare Dayton campus to Amamata, LLC, of New Albany.



### **Sub. H.B. 393**

**Reps.** Gerberry and Blessing, Chandler, Weddington, Blair, Boose, Derickson, Domenick, Luckie, Ruhl, Slesnick, Yuko, Balderson, Batchelder, Beck, Bolon, Bubp, Combs, Daniels, Evans, Garland, Goodwin, Grossman, Hackett, Harris, Harwood, Koziura, Lehner, Letson, Lundy, Mallory, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Patten, Phillips, Pillich, Pryor, Sayre, Snitchler, Stautberg, Uecker, B. Williams, Winburn

**Sens.** Fedor, Grendell, Turner, Cafaro, Faber, Gillmor, Morano, Niehaus, Sawyer, Schiavoni, Schuring, Seitz, Smith, Wilson, Harris, Strahorn

**Effective date:** Emergency, June 18, 2010

Revises the notice requirements for notice of a subsequent nuisance determination given by a board of township trustees to a landowner and any lienholders for the abatement, control, or removal of vegetation, garbage, refuse, or other debris that is on the owner's land if a prior nuisance determination was made within 12 consecutive months for the same parcel of land.

For a subsequent nuisance determination, shortens from seven to four days the time period within which the landowner must abate the nuisance before the board of township trustees provides for the abatement.

Allows sheriffs' and coroners' offices to be located at a location other than the county seat of justice.

Extends the date by which the Ohio Commission on Local Government Reform and Collaboration must submit its report from July 1, 2010, to September 1, 2010.

Extends the date by which the Ohio Legislative Commission on the Education and Preservation of State History must issue its report and findings from July 1, 2010, to September 1, 2010.

Increases the maximum amount of recording fees that, with the approval of a board of county commissioners, may be earmarked for a county recorder's equipment and operations fund from \$4 to \$7 per recording.

Authorizes a board of county commissioners that provides financial assistance to a county agricultural society also to provide such assistance from the county's permanent improvement fund.

Authorizes the board of county commissioners of a single-county solid waste management district to make a loan to a port authority in the same county for use by the authority to assist facilities that provide general health services in that county.

Adopts the spotted salamander as the state amphibian and the bullfrog as the state frog.



## **Sub. S.B. 85**

**Sens.** Stewart, Seitz, Wagoner, Fedor, Harris, Hughes, Husted, Kearney, D. Miller, Morano, Patton, Sawyer, Smith, Turner, Wilson

**Reps.** Gerberry, Lundy, Belcher, B. Williams, Daniels, Hite, Stebelton, Bacon, Balderson, Blair, Bolon, Book, Boose, Brown, Bubp, Carney, Chandler, Coley, Combs, DeBose, Derickson, Domenick, Dyer, Evans, Gardner, Garland, Garrison, Grossman, Hackett, Hagan, Harris, Heard, Letson, Luckie, Mallory, Mandel, McClain, Moran, Murray, Patten, Phillips, Ruhl, Sayre, Snitchler, Stewart, Weddington, Winburn, Yuko, Zehringer

**Effective date:** June 30, 2010

Authorizes counties, conservancy districts, sanitary districts, regional water and sewer districts, and non-chartered municipal corporations to award multi-year, professional service contracts through direct negotiation or requests for proposals or qualifications in lieu of competitive bidding for the engineering, repair, sustainability, water quality management, and maintenance of water storage tanks and appurtenant facilities.

Specifies that a contract entered into under the special contracting procedure must include certain terms and conditions.



# OCCUPATIONS AND PROFESSIONS

## Sub. H.B. 215

**Reps.** Letson and Mecklenborg, Hagan, Luckie, Fende, Mallory, Gardner, Lehner, Garland, Boyd, Yuko, Snitchler, Huffman, Bacon, Winburn, Amstutz, Batchelder, Beck, Belcher, Blair, Bolon, Book, Boose, Brown, Bubp, Burke, Combs, DeBose, DeGeeter, Derickson, Domenick, Dyer, Evans, Garrison, Gerberry, Goodwin, Hackett, Hall, Harris, Hite, Jordan, Lundy, McClain, McGregor, Newcomb, Oelslager, Patten, Ruhl, Sayre, Sears, Stebelton, Stewart, Uecker, Wagner, Zehringer

**Sens.** Morano, Smith, Fedor, Gibbs, Goodman, Harris, Hughes, Patton, Schaffer, Schiavoni, Schuring, Seitz, Wagoner, Wilson, R. Miller, Strahorn

**Effective date:** September 13, 2010

### **State Dental Board processes and rules**

Modifies the process by which the State Dental Board investigates and disciplines dentists, dental hygienists, and dental x-ray machine operators.

Creates the supervisory investigative panel of the Board, consisting of the Board's secretary and vice-secretary, a position that the act creates, and prohibits the panel members from participating in any additional Board deliberations on a case.

Requires the Board to appoint three referees or examiners to oversee disciplinary hearings, and makes their names public records.

Makes applicants for a license or certificate issued by the Board subject to the same grounds for discipline as licensees and certificate holders.

Permits, rather than requires, the Board to develop and implement a quality intervention program, and establishes time limits on participation and monitoring in the program.

Creates notification processes for the Board when a dentist fails to renew a license or submit proper documentation regarding required continuing education, and eliminates provisions that required a dentist's license to be automatically suspended for failure to renew.

## **Continuing education--dental hygienists**

Clarifies when a dental hygienist is subject to a recently enacted increase in the number of continuing education hours required for license renewal.

## **Administrative adjudications--notices of appeal**

Requires a person who is appealing an order issued in an administrative adjudication to merely state in the notice of appeal that the order is not supported by reliable, probative, and substantial evidence and is not in accordance with law, but permits the person to set forth specific grounds for the appeal.

Specifies that the notice of appeal filed with an administrative agency or court may be either the original notice or a copy.

Specifies that the act's changes to the provisions governing notices of appeal in administrative adjudications are procedural in nature and must be applied retrospectively to all administrative appeals filed during a specified period before the act's effective date.

## **Audiologists and speech pathologists**

Permits certain persons to obtain an audiologist license without holding a doctor of audiology degree.

Establishes a process whereby a licensed audiologist or speech-language pathologist may seek classification of the license as inactive.

## **Medicaid**

Provides that a nursing facility is not required to bill Medicaid for the Medicare cost-sharing expenses of a Medicaid-eligible resident of the facility if the provider determines that the facility will not receive Medicaid payment for any part of the expenses.



## Am. S.B. 183

**Sens.** Schaffer, Patton, Kearney, Buehrer, Harris, Husted, Wagoner, Wilson, Hughes, R. Miller, Gillmor

**Reps.** Coley, Huffman, Mecklenborg, Stautberg, Stebelton, Bolon, Brown, Combs, Domenick, Evans, Garrison, Goyal, Harwood, Luckie, Oelslager

**Effective date:** September 10, 2010

Narrows a grandfather exemption in the Architects Law to exempt certain corporations only from the ownership provisions of the Law.



## STATE GOVERNMENT

### Sub. H.B. 495

**Reps.** Book and Dodd, Gerberry, Mallory, Belcher, B. Williams, Daniels, J. Adams, Grossman, Hite, Jordan, Stebelton, Bacon, Bolon, Boose, Carney, Combs, DeGeeter, Derickson, Domenick, Driehaus, Dyer, Evans, Foley, Garland, Garrison, Hackett, Hall, Harris, Harwood, Hottinger, Letson, McClain, McGregor, Moran, Morgan, Newcomb, Oelslager, Patten, Phillips, Pillich, Pryor, Wagner, Weddington, Winburn, Yuko, Zehringer

**Sen.** Wilson

**Effective date:** Emergency, December 15, 2010

Postpones operation of the Sunset Review Law until July 1, 2011.

Incorporates into Ohio tax law recent changes to federal tax law.



### Am. Sub. H.B. 519

**Reps.** Yuko and Book, Luckie, Celeste, Garland, Weddington, Driehaus, Boyd, DeBose, Foley, Harris, Letson, Mallory, Reece, Stewart, Szollosi, B. Williams, Winburn

**Sens.** Niehaus, Faber, Goodman, Harris

**Effective date:** September 10, 2010

#### General overview

Enacts the Casino Gaming Law to regulate casino gaming as authorized by Ohio Constitution, Article XV, Section 6(C).

Modifies Ohio law regarding bingo, instant bingo, and skill-based amusement machines.

Creates the Ohio Casino Control Commission consisting of seven members.

Requires each Commissioner, before serving, to make an oath to uphold the Ohio Constitution and laws and to give a \$10,000 bond.

## **Ethics, lobbying, and political contributions**

Applies the legislative lobbying law and its requirements generally to the Ohio Casino Control Commission, a Commissioner, the Commission's executive director, a Commission employee, and a Commission agent.

Prohibits a present or former Commission official, during public service or for two years thereafter, from representing a client, being employed or compensated by a person regulated by the Commission, or acting in a representative capacity for any person on any matter before or concerning the Commission.

Prohibits a present or former Commission employee, during public employment or for two years thereafter, from representing a client or acting in a representative capacity on any matter in which the employee personally participated as a Commission employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or another substantial exercise of administrative discretion.

Requires all licensees to disclose quarterly to the Secretary of State any contribution of \$100 or more made to any ballot issue.

## **Commission jurisdiction and rules**

States that the Commission has authority to complete the functions of licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors.

Requires the Commission to adopt necessary rules for completing its general functions and for addressing certain enumerated subjects, including: licensure application procedures; independent testing laboratories' standards and duties; permitted casino gaming, supplies, devices, and equipment; a voluntary exclusion program; casino marketing standards; provisional license procedures; approval procedures for third-party engineering or accounting firms; computing and reporting gross casino revenue; conditions for suspending or revoking a license; penalties for violation of Commission rules; standards for decertifying contractors; and standards for the repair of casino gaming equipment.

Requires the Commission to submit a written annual report.

Requires the Commission to make, execute, and otherwise effectuate all contracts and other agreements, including contracts for necessary purchases of goods and services, and to generally comply with Ohio's Buy Ohio requirements.

## **Executive director**

Requires the Commission to appoint a qualified executive director who serves at the Commission's pleasure.

Requires the executive director to give and maintain a bond of \$25,000.

Requires the executive director or a designated deputy to attend all Commission meetings and to act as its secretary.

Requires the executive director to be the chief executive officer, to be responsible for keeping all Commission records, to supervise and administer casino gaming, and to enforce all Commission rules.

Permits the executive director to hire employees as necessary unless the Commission determines otherwise.

## **Hearings and investigations**

Establishes permitted inspection and examination procedures for the Commission regarding a casino facility.

Permits the Commission to conduct an adjudication of a licensee under the Administrative Procedure Act.

If the Commission finds that a licensee has violated the Casino Gaming Law or rules, permits the Commission to issue an order.

Requires a former licensee to maintain all books, papers, and other records for three years after the cessation of gaming operations.

Permits the Tax Commissioner, the Ohio Ethics Commission, the Inspector General, and the Commission, and their respective employees, to demand access to and inspect, examine, photocopy, and audit all books, accounts, records, and memoranda of persons subject to the Casino Gaming Law and to examine under oath any officer, agent, or employee of such a person.

Permits the Commission to rely on investigations, conclusions, or findings of other casino gaming commissions or other government regulatory bodies in connection with licensing, investigations, or other matters relating to an applicant or licensee under the Casino Gaming Law.

If any person violates the Casino Gaming Law or rules, grants the Attorney General a cause of action to restrain the violation.

Requires a sheriff, chief of police, and prosecuting attorney to furnish to the Commission all information obtained during any investigation or prosecution if it appears that a violation of the Casino Gaming Law has occurred.

Defines the Ohio Casino Control Commission as a state agency that is subject to the investigatory jurisdiction of the Inspector General.

## **Penalties**

Requires the Commission to levy and collect civil penalties against a person who violates the Casino Gaming Law.

Establishes criminal penalties for certain gaming-related conduct.

Specifies that a person who is convicted of a felony described in the Casino Gaming Law may be barred for life from entering a casino facility.

## **Critical infrastructure**

Includes casino facilities as critical infrastructure for purposes of the duty of the Division of Homeland Security in the Department of Public Safety to coordinate efforts of state and local governments and private organizations to enhance the security and protection of critical infrastructure.

## **Internal audits**

Requires the executive director to appoint employees for an internal auditing department of the Commission, which must at reasonable intervals and as necessary conduct internal audits of the Commission.

## **Gaming agents**

Requires the Commission to employ and assign gaming agents as necessary to assist the Commission in carrying out its duties, declares gaming agents to be peace officers, and specifies that gaming agents have all general peace officer authority.

Requires the Ohio Peace Officer Training Commission to create a gaming-related curriculum for gaming agents, and permits the Commission to utilize existing training programs in other states that specialize in training gaming agents.

## **Criminal records checks**

Requires a criminal records check to be obtained by: the Governor, before appointing an individual as a Commissioner; the Commission, before appointing an individual as executive director or a gaming agent; the Commission, before issuing a

license; and the executive director, before appointing an individual as a Commission employee.

Prohibits a person from being appointed or licensed or retaining an appointment or licensure if a criminal records check discloses that the person has been convicted of or has pleaded guilty or no contest to a disqualifying offense.

### **Casino gaming**

Requires casino gaming to be conducted only by licensed casino operators of the four casino facilities authorized in the Constitution or by a licensed management company retained by a licensed casino operator.

Permits a licensed casino operator, licensed management company, or another person to provide nongaming amenities at the casino facility.

### **Central system**

Permits the Commission to determine it to be necessary and adopt rules to authorize a central system that provides security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the Commission.

### **Independent testing laboratories**

Requires the Commission to certify independent testing laboratories to scientifically test and technically evaluate all electronic gaming equipment for compliance with the Casino Gaming Law.

### **Initial investment**

Requires each initial licensed casino operator to make an initial investment of at least \$250 million for the development of each casino facility, which must be certified by a third-party engineering or accounting firm.

Establishes criteria for fulfilling the initial investment requirement if a casino operator has made an investment of at least \$125 million when a license is issued.

Imposes conditions on a casino operator who has opened an initial location and is making substantial progress on a substitute casino facility.

Authorizes the Commission to approve up to 24 months of transitional operations by a casino operator on multiple, noncontiguous, constitutionally approved parcels while transitioning from the initial location to the new facility.

## **Slot machines and table games**

Sets a maximum of 5,000 slot machines that can be operated at a casino facility.

Generally permits any slot machine game or table game currently authorized in, and any future slot machine or table game authorized in, Indiana, Michigan, Pennsylvania, and West Virginia to be conducted at Ohio casino facilities after Commission approval.

Requires casino operators to determine minimum and maximum wagers, subject to Commission approval.

Prohibits a slot machine from being set to pay out less than the theoretical payout percentage, which must be not less than 85%, as approved by the Commission.

## **Gaming equipment and supplies**

Requires casino gaming equipment and supplies to be purchased or leased only from licensed gaming-related vendors.

Requires a gaming-related vendor to permanently affix the gaming-related vendor's name to all the gaming-related vendor's equipment, devices, and supplies.

Provides that all shipments of gaming supplies, devices, and equipment into Ohio are exempt from section 2 of An Act to Prohibit Transportation of Gambling Devices in Interstate and Foreign Commerce.

## **Wagers**

Requires all casino facility operations to use a cashless wagering system that can only be used for wagering at a casino facility.

Provides that wagers may be received only from a person present at a casino facility.

Prohibits casino operators and management companies from obtaining a license to: operate a check-cashing business, provide small loans, or provide short-term loans.

Prohibits an individual who is less than age 21 from making a wager.

Permits an individual who is less than age 21 to enter a designated area of a casino facility where casino gaming is being conducted in order to pass to another area where casino gaming is not being conducted.

Permits an employee of a casino facility who is between ages 18 and 21 to be present in the area of a casino facility where casino gaming is being conducted if the employee's duties are related solely to nongaming activities.

## **Licensing**

### **General considerations**

Requires casino operators, management companies, holding companies, gaming-related vendors, key employees, and casino gaming employees to obtain a license, which must be valid for not more than three years.

Sets forth conditions that the Commission must consider in determining whether to grant or maintain the privilege of a license, and prohibits the Commission from issuing a license under certain circumstances.

States that a license issued under the Casino Gaming Law is a revocable privilege and that no licensee has a vested right in or under any license.

States that no license is transferable and that a new majority ownership interest or control requires a new license.

Presumes the suitability of an institutional investor upon submitting documentation sufficient to establish qualifications as an institutional investor and upon compliance with certain certification procedures.

Requires a licensee to undergo a complete investigation at least every three years, as determined by Commission rule, to determine that the licensee remains in compliance with the Casino Gaming Law.

Requires a licensee to bear the costs of investigating the licensee, except for key employees and casino gaming employees who are employed by a casino operator, in which case costs must be paid by the casino operator.

Specifies that certain information submitted, collected, or gathered as part of a license application and certain information maintained by the Commission is confidential and not subject to disclosure under the Public Records Act.

### **Casino operator, management company, and holding company**

Permits a person to apply to the Commission for a casino operator, management company, or holding company license to conduct casino gaming at a casino facility as provided in the Casino Gaming Law, and specifies application requirements.

Requires any holding or management company, its directors, its executive officers, and certain shareholders to submit the same information as required by an applicant.

Requires the casino operator to post and maintain a surety bond of \$1 million.

### **Gaming-related vendor**

Allows a person to apply for a gaming-related vendor license, sets forth licensing standards, and authorizes a gaming-related vendor licensee to sell or lease, and to contract to sell or lease, equipment and supplies to any licensee involved in the ownership or management of a casino facility.

### **Key employee**

Prohibits a person from being employed as a key employee unless the person holds a valid key employee license, and sets forth criteria for issuance of a license.

Requires the casino operator, management company, or holding company by whom a person is employed as a key employee to terminate the person's employment under certain circumstances.

### **Casino gaming employee**

Requires all casino gaming employees to have a casino gaming employee license, and sets forth licensing criteria.

### **License fees**

Sets the upfront license fee to obtain a license as a casino operator at \$50 million per casino facility.

Requires new casino operator, management company, and holding company license and renewal license fees and license fees for a gaming-related vendor, a key employee, and a casino gaming employee to be set by rule, subject to the review of the Joint Committee on Gaming and Wagering.

Sets the nonrefundable fee to obtain an application for a casino operator, management company, or holding company license at \$1.5 million per application.

### **Requirements regarding certain licensees**

Requires each casino operator, management company, and holding company to provide quarterly updates and an annual report to the Commission of an annual balance sheet, an annual income statement, an audited financial statement, a list of

certain stockholders or other persons, and notification of any material changes to the applicant's or licensee's stockholders.

Requires preference to be given to each of the following to train employees for casino-related employment opportunities: state institutions of higher education, private career schools holding program authorizations, and private institutions that are exempt from regulation.

Prohibits a person from holding a majority ownership interest in, or being a management company for, more than two casino facilities and from holding a majority ownership interest in, or being a management company for, more than two horse racing tracks, of which not more than one can be a thoroughbred horse track.

Provides that each casino facility is subject to all applicable Ohio laws and local ordinances related to health and building codes.

Generally prohibits any local zoning, land use laws, subdivision regulations, or similar provisions from prohibiting the development or operation of casino facilities.

Provides that no political subdivision in which a casino facility is located is required to take any affirmative legislative or administrative action to assist development or operation of a casino facility.

Prohibits a casino operator from entering into a debt transaction concerning a casino facility totaling \$500,000 or more without the Commission's approval.

### **Casino gaming's effect on other authorized gaming**

Provides that authorized charitable gaming, charitable bingo, lottery games, and pari-mutuel wagering are not subject to, or limited by, the requirements of the Casino Gaming Law.

### **Conservator**

Requires the Commission to adopt rules relating to the administration of a casino facility by a conservator, and permits the Commission to petition the court of common pleas of the county in which the casino facility is located for appointment by the court of a conservator to manage and control the casino facility if certain circumstances occur.

### **Ejection or exclusion from casino facility**

Permits the Commission, a casino operator, and a management company to eject or exclude or authorize the ejection or exclusion of and permits gaming agents to eject a person from casino facilities for enumerated reasons.

Requires the Commission to provide a list of persons who are to be excluded or ejected from a casino facility.

Creates a voluntary exclusion program, which is to be provided by the Commission, through which persons may voluntarily exclude themselves from the gaming areas of casino facilities.

### **Problem gambling and addiction services**

Requires a casino operator, management company, or holding company licensee to submit a compulsive and problem gambling plan to the Commission.

Requires the Department of Alcohol and Drug Addiction Services to provide a program of gambling and addiction services on behalf of the Commission, and requires the executive director to enter into an agreement with the Department under which the program is to be conducted.

Permits the Department to enter into agreements with local alcohol, drug addiction, and mental health service districts and nonprofit organizations to provide gambling, addiction, and substance abuse services and with state institutions of higher education and certain private nonprofit institutions to perform related research.

### **Joint Committee on Gaming and Wagering**

Establishes the permanent Joint Committee on Gaming and Wagering consisting of six General Assembly members to review laws and proposed changes to laws governing casino gaming operation and administration and to recommend changes in those laws to the General Assembly and Commission, to make an annual report on the operation and administration of casino gaming, and to review fees and penalties.

### **Nonseverability of casino regulatory provisions**

Declares that the act's provisions pertaining to the nontransferability of casino licenses, casino licensing fees, and the unity of the casino regulatory law, and applications of those provisions, constitute a unity and are interdependent and interrelated, and specifies that if any of those provisions, or if any application of any of those provisions, is held invalid by a final nonappealable order or judgment, then all provisions of the casino regulatory law, and their applications, also are invalid.

### **Liquor permits**

Creates a D-5n liquor permit, and requires the permit D-5n to be issued to either a licensed casino operator or a casino management company that operates a casino facility to sell beer and any intoxicating liquor at retail.

Permits only one D-5n permit to be issued per casino facility and no more than four D-5n permits to be issued in Ohio.

Creates a D-5o liquor permit, and allows the permit to be issued to the owner or operator of a licensed retail food establishment or a food service operation that operates as a restaurant and that is located within a casino facility for which a D-5n permit has been issued.

## **Ohio income tax**

Specifies that every individual, trust, and estate earning or receiving winnings on casino gaming is liable for Ohio income tax on those winnings.

Authorizes an Ohio income tax deduction, beginning in tax year 2013, for any loss from wagering transactions that is allowed as an itemized wagering loss deduction under federal tax law.

Requires a casino operator to deduct and withhold Ohio income tax from a person's winnings when the person's winnings at a casino facility are an amount for which reporting to the Internal Revenue Service is required.

Requires a casino operator to file an annual return with the Tax Commissioner indicating the total amount deducted and withheld during the preceding year.

Authorizes the Tax Commissioner to impose a penalty if a return is filed late, if amounts deducted and withheld are remitted late, if a return is not filed, or if amounts deducted and withheld are not remitted.

## **Gross casino revenue tax**

Levies a tax on the gross casino revenue received by a casino operator.

Creates funds for the purpose of receiving and distributing, and accounting for, revenue received from the gross casino revenue tax, and establishes a percentage of the gross casino revenue tax that is to go to each fund.

Prescribes penalties and interest for failure to file a return or to remit the gross casino revenue tax due.

Permits a casino operator to apply to the Tax Commissioner for refund of gross casino revenue taxes that have been improperly paid or collected.

Authorizes the Tax Commissioner to issue an assessment against a casino operator who fails to pay the gross casino revenue tax or who fails to file a return.

Specifies that if a casino operator sells the casino facility, disposes of the casino facility in any manner other than in the regular course of business, or quits the casino gaming business, any gross casino revenue tax owed by that casino operator becomes immediately due and payable.

Specifies generally that the Tax Commissioner is to administer and enforce the gross casino revenue tax laws.

Authorizes the Tax Commissioner to require a casino operator to keep records and other documents that the Tax Commissioner considers necessary to show the extent to which the casino operator is subject to the gross casino revenue tax laws.

## **Bingo and instant bingo**

Authorizes a charitable organization that is licensed to conduct instant bingo to purchase, lease, and use instant bingo ticket dispensers to sell instant bingo tickets or cards.

Specifies that instant bingo ticket dispensers are not slot machines.

Allows a charitable organization to spend a reasonable amount of its gross profit to pay property taxes and assessments on the premises where it conducts bingo.

Modifies the bingo law definitions regarding veteran's and fraternal organizations by removing time in-existence-in-Ohio requirements.

Increases, from four to twelve, the number of times that a veteran's or fraternal organization may lease premises in a year to charitable organizations for festivals.

Specifies that an instant bingo ticket may be won by an instant bingo game participant, and states that an instant bingo ticket or card cannot be sold for a price that is different from the price printed on the ticket or card.

Increases the number of bingo sessions that a charitable organization can conduct.

Authorizes up to three charitable organizations to conduct bingo sessions at the same leased location in any calendar week.

Increases the number of bingo sessions that can be conducted on a property each week.

Increases the aggregate prize limit distributed at a bingo session to \$6,000.

Increases the threshold amount governing the distribution of instant bingo net profit by a veteran's, fraternal, or sporting organization.

Allows a charitable organization that conducts bingo to lease bingo equipment from the landlord of a premises where bingo is conducted.

Authorizes a distributor to accept payment for the sale or other provision of bingo supplies and to pay for purchased bingo supplies, and a manufacturer to accept payment for the sale of bingo supplies, by electronic fund transfer.

### **Skill-based amusement machines**

Beginning July 1, 2011, requires the Ohio Casino Control Commission to assume jurisdiction over and oversee the regulation of skill-based amusement machines.

Establishes the Joint Committee on Bingo and Skill-based Gaming consisting of ten General Assembly members to review and evaluate the operation and conduct of bingo, instant bingo, and skill-based amusement machines.

### **Sweepstakes at professional sporting events**

Permits raffles of free prizes at a professional sporting event if the drawing of a ticket stub is used to select the winner and the cost of the ticket is the same as on days when no free prize is given away.

### **Exemption from charitable trust reporting**

Increases the monetary amounts that exempt a registered charitable trust from filing the required annual report.



## **Am. S.B. 51**

**Sens.** Morano, Sawyer, D. Miller, Turner, Kearney, Smith, Fedor, Hughes, Schuler, Goodman, Schuring, Gibbs, Wilson, Cafaro, Carey, Gillmor, Harris, R. Miller, Patton, Schaffer, Wagoner, Jones, Schiavoni

**Reps.** Boose, Brown, Bulp, Burke, Celeste, Combs, DeBose, Derickson, Dodd, Dyer, Evans, Fende, Gardner, Grossman, Hackett, Hall, Harris, Hite, Letson, Luckie, Mallory, McClain, Oelslager, Pryor, Ruhl, Stautberg, Uecker, Yuko, Zehring

**Effective date:** March 24, 2011

Designates the last week of May as "Ohio Turfgrass Week" in order to increase awareness of the importance of turfgrass to this state's economy and environment.



## Sub. S.B. 131

**Sens.** Gillmor and Cafaro, Widener, Grendell, Schuring, Gibbs, Carey, Faber, Morano, Fedor, Goodman, Harris, Hughes, Kearney, D. Miller, R. Miller, Niehaus, Patton, Sawyer, Schaffer, Seitz, Smith, Stewart, Wagoner, Schiavoni

**Reps.** Okey, Sayre, J. Adams, R. Adams, Balderson, Beck, Belcher, Blessing, Book, Boose, Brown, Bupp, Celeste, Chandler, Combs, Daniels, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Foley, Garland, Garrison, Goodwin, Goyal, Hackett, Harris, Harwood, Heard, Hite, Koziura, Letson, Luckie, Mallory, McClain, McGregor, Newcomb, Oelslager, Patten, Phillips, Pillich, Pryor, Ruhl, Skindell, Slesnick, Snitchler, Stebelton, Stewart, Uecker, Ujvagi, Wagner, Weddington, B. Williams, Winburn, Yuko, Zehringer

**Effective date:** May 31, 2010

Requires the Director of Administrative Services, not later than 180 days after the act's effective date, to establish a biobased product preference program that incorporates specified requirements, and defines "biobased product."

Generally requires the Department of Administrative Services, other state agencies, and state institutions of higher education, when purchasing equipment, material, or supplies, to purchase biobased products in accordance with the program, and requires the Director of Transportation and educational institutions of the state to comply with the program even though those entities have purchasing authority separate from the Department of Administrative Services under continuing law.

Authorizes the Director to determine that it is not possible for a biobased product to be purchased in accordance with the program if the Director finds that the product: (1) is not available within a reasonable period of time, (2) fails to meet certain performance standards, or (3) is available only at an unreasonable price, and defines "unreasonable price" for such a purpose.

For any biobased product offered under the program, requires a vendor to certify that the product meets the biobased content requirements for the designated item of which the product is an exemplar, and requires a vendor, upon request, to provide to the Director information to verify the biobased content of a biobased product qualifying for purchase in accordance with the program.

Requires the Director to adopt necessary rules, including procedures that the Department and other state agencies must use to give preference to and purchase biobased products in accordance with the program.

Requires a state institution of higher education to purchase designated items in accordance with procedures established by the institution.

Authorizes a state agency or state institution of higher education to purchase a nonbiobased product that is functionally capable of meeting a specific need of the agency or institution if none of the designated items are capable of meeting that need, and states that such a purchase does not constitute failure to comply with the biobased preference program or preclude the agency or institution from otherwise participating in the program.

Exempts the purchase of motor vehicle fuel, heating oil, or electricity from the program's requirements.

Requires the Director to prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report that describes the number and types of biobased products purchased under the program and the amount of money spent by the Department and other state agencies for those biobased products.

Requires the Chancellor of the Board of Regents to prepare and submit an annual report to the same officials containing the same information with regard to purchases of biobased products by state institutions of higher education, and requires each state institution of higher education to prepare and submit to the Chancellor an annual report that describes the number and types of biobased products purchased under the program and the amount of money spent by the institution for those products.

Revises and extends to taxable years 2010 and 2011 the income tax credit for retail service station dealers that sell and dispense E85 blend fuel or blended biodiesel through metered pumps.



## **Sub. S.B. 155**

**Sens.** Carey and D. Miller, Buehrer, Cafaro, Fedor, Gibbs, Goodman, Harris, Hughes, Kearney, Morano, Niehaus, Schaffer, Schiavoni, Strahorn, Widener, Gillmor, Turner, Sawyer, Smith, R. Miller

**Reps.** Sykes, Bolon, Boyd, Celeste, Chandler, Brown, Dyer, Fende, Luckie, Driehaus, Garrison, Garland, Goodwin, Balderson, Book, Boose, Bubp, Carney, Coley, Combs, Derickson, Dodd, Domenick, Evans, Foley, Gardner, Gerberry, Hagan, Harris, Harwood, Hite, Hottinger, Letson, Mallory, McClain, Murray, Newcomb, Oelslager, Patten, Phillips, Pillich, Pryor, Slesnick, Szollosi, Uecker, Walter, B. Williams, Yuko

**Effective date:** Emergency, March 31, 2010

Requires that the costs of all audits of state agencies be charged to the state agency being audited.

Permits an individual taxpayer to direct the state to deposit the taxpayer's income tax refund into a checking account or preexisting college savings plan or program account offered by the Ohio Tuition Trust Authority.

Makes changes to the formula for funding career-technical education teachers and program operations for fiscal years 2010 and 2011.

Clarifies the effect of changes made in the biennial operating appropriations act to the Uniform Public Securities Law.

Allows the use of the state on and off triggers for state extended unemployment benefits using the total unemployment rate and the payment of high-unemployment period benefits if the benefits are fully federally funded under any federal law.

Establishes that the final maturity for a port authority revenue bond is to be not later than 45 years, rather than not later than 40 years, after the issuance of the bond.

Reallocates, beginning on July 1, 2010, the proceeds of the continuing fee on the sale of new tires levied to fund scrap tire removal actions and to treat vectors at scrap tire facilities by providing that the fee proceeds be credited to the Soil and Water Conservation District Assistance Fund to be used to fund soil and water conservation districts.

Increases, from \$30,000 to \$40,000, the maximum amount of the annual soil and water conservation district subsidy.

Makes changes to appropriations for eTech Ohio, the Board of Regents, and the Department of Natural Resources.



## Am. Sub. S.B. 194

**Sens.** Kearney, D. Miller, Fedor, Goodman, Jones, Morano, Turner, Schiavoni, Sawyer, Buehrer, Cafaro, Carey, Coughlin, Gibbs, Gillmor, Grendell, Harris, Hughes, Strahorn, Wagoner, Wilson, Patton, Seitz

**Reps.** Amstutz, Balderson, Batchelder, Beck, Belcher, Blair, Bolon, Boose, Boyd, Brown, Bulp, Carney, Chandler, Coley, Combs, DeBose, Derickson, Dodd, Domenick, Driehaus, Evans, Foley, Gardner, Garland, Garrison, Gerberry, Goyal, Grossman, Hackett, Harris, Harwood, Heard, Hottinger, Koziura, Letson, Luckie, Lundy, Maag, Mallory, Martin, McClain, McGregor, Moran, Morgan, Oelslager, Otterman, Patten, Pillich, Reece, Ruhl, Sayre, Skindell, Snitchler, Stautberg, Stewart, Uecker, Weddington, B. Williams, S. Williams, Winburn, Yuko, Zehringer

**Effective date:** August 19, 2010

Permits an individual taxpayer who files an income tax return electronically to direct the state to deposit the taxpayer's refund into a checking, savings, or individual retirement account.



## Am. Sub. S.B. 232

**Sens.** Widener, Goodman, Jones, Wagoner, Fedor, Harris, D. Miller, R. Miller, Morano, Turner, Wilson, Strahorn

**Reps.** Bolon, Book, Bulp, Celeste, Domenick, Driehaus, Evans, Fende, Garland, Garrison, Gerberry, Harris, Harwood, Hite, Koziura, Letson, McClain, Murray, Newcomb, O'Farrell, Otterman, Ruhl, Szollosi, Walter, B. Williams, Yuko

**Effective date:** Emergency, June 17, 2010

### Qualified energy project tax exemption

Exempts from property taxation the tangible personal property of qualified energy projects, as certified by the Director of Development, that generate electricity from renewable energy resources, clean coal technology, advanced nuclear technology, and cogeneration technology.

Specifies that the exemption does not apply to any facility used to supply electricity before December 31, 2009.

Extends the tax exemption to the real property of an energy facility that is a qualified energy project for any tax year for which the tangible personal property tax for the same project is exempted.

Requires a qualified energy project using renewable energy resources to meet the following conditions in order to be eligible for the property tax exemption:

--On or before December 31, 2011, the owner or lessee of the project filed a Power Siting Board certificate, if applicable, or any other required approval, consent, permit, or certificate for the construction or initial operation of the project;

--Project construction must have begun on or after January 1, 2009, and before January 1, 2012;

--For projects of five megawatts or greater, the board of county commissioners of a county in which property of a qualified energy project is located has approved the exemption; and

--Project property must be placed in service before 2013.

Requires a qualified energy project using clean coal, advanced nuclear, or cogeneration technology to meet the following conditions in order to be eligible for the property tax exemption:

--For projects of five megawatts or greater, the board of county commissioners of a county in which project property is located has approved the exemption; and

--Project property must be placed in service before 2017.

### **County approval of tax exemption**

Requires the Director of Development to notify counties and taxing units of energy projects with a nameplate capacity of five megawatts or greater.

Requires a board of county commissioners to adopt a resolution to approve or reject a tax exemption application or to adopt a resolution providing ongoing approval.

Permits a board of county commissioners to require service payments in addition to the mandatory service payments required under the act for such projects.

### **Qualified energy project certification**

Requires the Director of Development to certify an energy project as a qualified energy project if:

--An application is received before 2012 for projects using renewable energy resources and before 2014 for projects using clean coal, advanced nuclear, or cogeneration technology;

--For projects of five megawatts or greater, the application was approved by a resolution of the board of county commissioners of at least one county in which the project is located; and

--No part of the project facility was used to supply electricity before December 31, 2009.

Requires the Director to deny a certification application, and authorizes the Director to revoke the certification of a qualified energy project, if the owner or lessee fails to comply with any requirements of the act.

Makes an energy project ineligible for exemption from taxation after revocation.

### **Criteria for qualified energy projects**

Requires owners and lessees of qualified energy projects to do the following:

--Comply with applicable regulations;

--File construction progress reports each year during construction or installation;

--Employ a certain percentage of full-time equivalent employees domiciled in Ohio in the construction and installation of qualified energy projects;

--File reports concerning the number of full-time equivalent employees, and the number of full-time equivalent employees domiciled in Ohio, employed during the construction and installation of the project;

--For projects of five megawatts or greater, repair to preconstruction condition all roads, bridges, and culverts affected by the project;

--Provide or facilitate training for fire and emergency responders in handling emergencies at the project, and, for projects of five megawatts or greater, provide proper equipment for their use in emergencies, at the owner's and lessee's expense;

--Offer to sell power and renewable energy credits, unless exempted by the act, to electric distribution utilities or electric service companies that have issued requests for proposals for such power and credits, before selling to anyone else, with certain exceptions;

--Make annual service payments between \$6,000 and \$9,000 per megawatt of nameplate capacity, depending on the type of project, for every year that the project is exempt from taxation; and

--For projects of two megawatts or greater, cooperate with a state higher education institution or an apprenticeship program to educate or train persons for employment in wind or solar energy fields.

Requires the Director of Development, in consultation with the Tax Commissioner, to adopt rules to implement the act.

## **Energy companies and energy facilities**

Creates, as a new class of public utility for taxation purposes, an energy company engaged in the business of generating, transmitting, or distributing electricity from an energy facility with an aggregate nameplate capacity of more than 250 kilowatts.

Specifies that an owner or lessee of an energy facility with an aggregate nameplate capacity of 250 kilowatts or less is not supplying electricity to others and therefore is not a public utility for taxation purposes.

Specifies that a political subdivision that owns an energy facility, regardless of the facility's nameplate capacity, is not a public utility if the purpose of the facility is to supply electricity for the subdivision's own use.

## **Taxation of energy company and energy facility property**

Exempts from taxation any fixture or other real property included in an energy facility with a capacity of 250 kilowatts or less if construction or installation of the facility is completed on or after January 1, 2010.

Specifies that, if an energy facility is installed or constructed on a portion of land valued at its current agricultural use value (CAUV), the remaining part of the land still qualifies for CAUV, and no tax savings recoupment charge applies, if the remaining portion of the tract continues to meet the qualifications for CAUV treatment.

Specifies that the tangible personal property of an energy company, not exempted for tax years 2011 and thereafter, is taxable property if, on December 31 of the preceding year, the property was located in Ohio and was either owned or leased by the company.

Specifies the true value of energy conversion equipment of an electric company, rural electric company, or energy company under the tax law, and specifies the percentages at which the taxable property of conversion equipment and production

equipment is assessed and in what proportions the taxable value is to be apportioned among taxing districts in which the property is physically located.

Exempts from the sales and use tax energy conversion equipment.

Exempts from the annual public utilities excise tax the gross receipts of an energy company generating, transmitting, or distributing electricity from an energy facility with an aggregate nameplate capacity of more than 250 kilowatts, thus making the gross receipts subject to the commercial activity tax.

Specifies that the cost of compliance calculated in determining whether an electric distribution utility or electric services company qualifies for an exemption from alternative-energy portfolio benchmarks should be calculated as though there were no tax exemption for a qualifying energy facility.

### **Alternative energy revolving loan program**

Expands the low-cost solar panel revolving loan program to include assisting owners of real property within a municipal corporation, rather than residents, with the installation and implementation of alternative energy technologies and energy efficiency technologies, products, and activities, instead of just solar panels, on their real property.

Specifies that alternative energy technologies include solar photovoltaic or solar thermal energy, geothermal energy, and certain wind, biomass, or gasification facilities defined in the act as customer-generated energy projects.

Provides that energy efficiency technologies, products, and activities are those that reduce energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy.

### **Special energy improvement projects within special improvement districts**

Expands the authority of a special improvement district to undertake special energy improvement projects to include wind energy projects, geothermal energy projects, biomass energy or gasification projects, and energy efficiency improvements.

Permits special improvement district plans for public improvements and public services to include hiring consulting and energy auditing services, and makes those services allowable plan costs.

## **PUCO study**

Requires the Public Utilities Commission of Ohio (PUCO) to conduct a study to review the condition of reactive power in Ohio and issue a report to the General Assembly not later than one year after the act's effective date.



## UTILITIES

### Sub. S.B. 162

**Sens.** Buehrer, Gibbs, Gillmor, Grendell, Patton, Seitz, Stewart, Wagoner, Harris, Jones, Kearney, Strahorn, Wilson, Widener, Turner, Schiavoni, R. Miller, Hughes

**Reps.** Bacon, Beck, Belcher, Book, Boyd, Carney, Coley, Combs, Daniels, DeGeeter, Domenick, Driehaus, Dyer, Evans, Fende, Gardner, Garland, Gerberry, Goyal, Grossman, Hackett, Hagan, Harris, Harwood, Heard, Hite, Hottinger, Koziura, Letson, Newcomb, O'Farrell, Patten, Phillips, Pillich, Pryor, Ruhl, Szollosi, Weddington, B. Williams, Yuko

**Effective date:** September 13, 2010

Revises state-policy objectives for the provision of telecommunications service.

Repeals the law governing alternative regulation of telephone companies, and rescinds related Public Utilities Commission of Ohio (PUCO) rules.

#### **PUCO jurisdiction over telecommunications**

Specifies that the PUCO, except as provided in the act and federal law, has no authority over an interconnected voice over internet protocol-enabled service or a telecommunications service that is not commercially available on the act's effective date and that employs technology that became available for commercial use after that date unless the PUCO determines the exercise of authority is necessary for the protection, welfare, and safety of the public and adopts necessary regulations, and specifies that the Office of the Consumers' Counsel (OCC) has authority to assist and represent residential customers to the extent that the PUCO adopts those regulations.

Makes consumer purchases of telecommunications services that are not commercially available on the act's effective date and that employ new technology subject to the Consumer Sales Practices Act (CSPA), notwithstanding any provision of the CSPA to the contrary and only if the PUCO does not exercise jurisdiction over such services.

Provides that the PUCO does not have jurisdiction over wireless service, resellers of wireless service, or wireless service providers, except as pertaining to: (1) telecommunications relay service, (2) 9-1-1 service, (3) certain penalties, and (4) carrier access policy and the creation and administration of mechanisms for carrier access reform, including high cost support.

Provides that the PUCO has authority over wireless service and wireless service providers as follows, but only to the extent authorized under federal law: (1) to the extent the PUCO carries out (a) rights and obligations under the federal Telecommunications Act of 1996, (b) the authority to mediate and arbitrate disputes and approve agreements under the federal act, (c) administration of telephone numbers and number portability, (d) certification of telecommunications carriers eligible for universal-service funding under applicable federal law, and (e) administration of customer proprietary network information in applicable federal law, and (2) as provided under the new telecommunication provisions in the act pertaining to (a) registration of wireless service providers, (b) compliance with applicable PUCO orders, directions, and requirements, and (c) adjudication of disputes.

Specifies that requirements regarding assessments supporting the PUCO and the OCC, as well as the filing of annual reports for assessments, apply to wireless service providers.

Specifies that a number of statutes, many unchanged by the act, do not apply to telephone companies, including statutes pertaining to PUCO jurisdiction, service discrimination, accounting requirements, charging tariffed rates, the issuance of stocks, bonds, and notes, uniform pricing, and other statutes unless necessary, in some cases, for the PUCO to enforce the act.

Specifies that, with certain exceptions, the new telecommunications provisions in the act do not prevent any public utility or railroad from granting property for public purposes.

Redefines "public utility" to exclude internet protocol-enabled services, including voice over internet protocol services, and providers of advanced services, broadband service, information service, and any telecommunications service that is not commercially available on the act's effective date and that employs technology that became available for commercial use after the act's effective date.

Provides that the PUCO has no authority over the quality of service and the service rates, terms, and conditions of telecommunications service provided to end users by a telephone company, except as provided in the act.

Permits the PUCO to adopt various rules that it finds necessary to carry out the act, including rules that address the removal from tariffs of services that were required to be filed in tariffs prior to the act's effective date.

Provides that the PUCO must adopt any rules that are required under the act no later than 120 days after the act's effective date.

Vests the PUCO with the authority to perform federal obligations and carry out the acts of a state commission, including rights and obligations under the federal Telecommunications Act of 1996, arbitrating disputes and approving agreements under the federal act, administering truth-in-billing, and other federal obligations and acts of a state commission.

### **Certification or registration in order to operate in Ohio**

Requires, as a condition of operating in Ohio, that a telephone company obtain a certificate from the PUCO and that a wireless service provider register with the PUCO.

Requires a certificate application and registration to include: (1) the telephone company's or wireless service provider's name and address, (2) a contact person's name and contact information, (3) a service description, (4) evidence of registration with the Secretary of State, (5) evidence of notice of intent to provide telecommunication service to the Public Utilities Tax Division of the Department of Taxation, and (6) with respect to certification only, evidence of financial, technical, and managerial ability to provide adequate service.

Exempts incumbent local exchange carriers (ILECs) from the certification requirements with respect to their geographic service areas as those areas existed before the act's effective date.

Permits the PUCO to suspend or reject a telephone company's certification application if it determines the applicant lacks financial, technical, or managerial ability sufficient to provide adequate service.

Requires, if any of the application information changes, a telephone company to update its certification and to provide any necessary notice to customers, and requires a wireless service provider to update its registration.

Requires the PUCO to adopt rules governing certification and registration update requirements.

### **Unfair or deceptive acts or practices**

Prohibits telephone companies, but not wireless service providers, from committing certain unfair or deceptive acts or practices regarding the offer or provision of telecommunications service in Ohio.

States that a consumer purchase of wireless service is subject to the Consumer Sales Practices Act (CSPA) notwithstanding any provision of the CSPA to the contrary.

Makes failure to include the following in a telephone company solicitation, offer, contract, or other communication as provided in the act an unfair or deceptive act or practice: (1) truthful, clear, conspicuous, and accurate disclosure of any material terms and conditions of service and any material exclusions or limitations, and (2) disclosure of the company's name and contact information.

Permits the PUCO to prescribe a review process to determine when disclosure of the above information is not practicable and therefore nondisclosure would not be an unfair or deceptive act or practice.

Requires a telephone company to inform its customers of their rights and responsibilities regarding inside wire, repair and maintenance of customer-owned equipment, and use of a network interface device, and diagnostic visit charges, consistent with rules that the PUCO adopts.

Permits the PUCO to determine by rule or adjudication under the terms of the act what constitutes an unfair or deceptive act or practice in connection with the offer or provision of telecommunications service in Ohio.

Requires the PUCO to notify telephone companies specifying the acts, practices, or omissions that the PUCO determines by rule or adjudication to be unfair or deceptive, and states that such companies are not liable absent notice and adequate implementation time.

### **Service withdrawal/abandonment**

Permits a telephone company, except for an ILEC providing basic local exchange service, to withdraw or abandon service upon 30-days notice to the PUCO and customers.

Specifies that the act's withdrawal and abandonment provisions do not apply to interconnection and resale agreements approved under the Telecommunications Act of 1996, pole attachments, and conduit occupancy.

Prohibits, without PUCO approval, a telephone company from: (1) withdrawing any tariff filed with the PUCO for pole attachments or conduit occupancy under the continuing pole attachment and conduit occupancy law, or (2) abandoning service provided under that law.

### **Basic local exchange service**

Requires telephone companies providing basic local exchange service to ensure available, adequate, and reliable service.

Requires the PUCO to adopt rules prescribing the following standards for the provision of basic local exchange service: (1) installation of service within five days of receipt of an application, (2) outages fixed within 72 hours, and reasonable efforts made to repair outages within 24 hours, and automatic customer credits for all affected customers, of which the telephone company is aware, in the amount of one month's charges per customer for basic local exchange service if an outage is reported and not fixed in 72 hours, with no requirement to credit a customer who caused an outage, (3) disconnection for nonpayment not earlier than 14 days after a bill due date, (4) the establishment of a billing due date not earlier than 14 consecutive days after the date on which the bill is postmarked for basic local exchange service provided to end users, (5) permitting a utility to require a deposit not to exceed 230% of a reasonable estimate of one month's service charges for the installation of service, and (6) reconnection of customers with past-due charges one business day after receipt of the first payment under a payment plan or the full amount due.

Requires the PUCO to provide for a waiver of the standards prescribed in rule for basic local exchange service when the PUCO determines it appropriate.

Requires an ILEC to provide basic local exchange service to all persons or entities in its service area requesting that service and to provide that service on a reasonable and nondiscriminatory basis, except for the provision of basic local exchange service or any service to occupants of multitenant real estate in certain circumstances where a real estate owner takes action to benefit another service provider.

Permits an ILEC to apply to the PUCO for a waiver of the requirement to provide basic local exchange service to all persons or entities in its service area requesting service, and requires the PUCO to grant the waiver within 120 days if it finds it to be just, reasonable, and not contrary to the public interest and that the applicant demonstrates a financial hardship or unusual technical limitation, but after the carrier has notified affected persons or entities in its service area and after the persons or entities have been afforded a reasonable opportunity to comment, including a public hearing.

Permits an ILEC to alter rates for basic local exchange service, but restricts the total amount of yearly upward alterations to the amount authorized for an annual increase under PUCO rules, rescinded by the act, governing alternative regulation of telephone companies, based on 12-month intervals relating to when the last rate increase occurred and, in certain cases, depending on whether the ILEC's local exchange area qualified for alternative regulation under the PUCO rules.

Prohibits banking of upward rate alterations.

Permits ILECs that are owned and operated exclusively by and for their customers to alter basic local exchange service rates at any time by any amount.

### **Lifeline service**

Requires an ILEC that is eligible for universal-service support to implement lifeline service for eligible customers, defined as either being at or below 150% of the federal poverty level or participating in any low-income assistance program that is specified in PUCO rules, and permits an ILEC to offer lifeline customers bundles and packages at prevailing rates less the lifeline discount.

Requires the PUCO to work with appropriate state agencies administering federal or state low-income assistance programs, and with carriers, to obtain information necessary for eligibility and automatic enrollment, requires the PUCO to establish requirements for the implementation of automatic enrollment, and requires ILECs to implement automatic enrollment in accordance with those requirements.

Provides for situations in which an individual is determined ineligible or no longer eligible, and provides opportunities to prove eligibility.

Provides that lifeline service must consist of: (1) flat-rate, monthly, primary access line service with touchtone service at a monthly discount, (2) a waiver of all nonrecurring service order charges for establishing service, but not more than once per customer at a single address in a 12-month period, and (3) free blocking of toll, 900, and 976 service.

Requires that ILECs offer special payment arrangements to lifeline customers with past-due bills with an initial payment not to exceed \$25 before the installation of service and the balance for regulated service charges to be paid over six monthly installments.

Provides that lifeline customers with past due toll service bills are to have toll-restricted service until the past due charges have been paid or until service is established with another toll service provider.

Requires every ILEC with 50,000 or more access lines that is required to provide lifeline service to establish an annual marketing budget for promoting, marketing, and performing outreach regarding lifeline service.

Requires all funds in the lifeline marketing budget to be spent for promotion, marketing, and outreach of lifeline services, and prohibits their use for any administrative costs for lifeline implementation.

Creates a Lifeline Advisory Board composed of staff of the PUCO, the OCC, consumer groups representing low-income constituents, two representatives from the Ohio Association of Community Action Agencies, and every ILEC with 50,000 or more access lines that is required to implement lifeline service to coordinate all activities relating to the promotion and marketing of and outreach regarding lifeline service, and permits the PUCO to review and approve, in accordance with PUCO rules, the decisions of the Advisory Board, including decisions on how lifeline promotion, marketing, and outreach services are implemented.

Prohibits ILECs that are required to implement lifeline service from recovering lifeline marketing, promotion, and outreach expenses from end users.

Permits ILECs that are required to implement lifeline service to recover from end users of the carriers' telecommunications service other than lifeline service customers, by a method approved by the PUCO, lifeline service discounts and any other lifeline service expenses, except for marketing, promotion, and outreach expenses, that the PUCO prescribes by rule and that are not recovered through federal or state funding, and requires a carrier seeking recovery of those discounts or expenses to apply to the PUCO, in accordance with PUCO rules, for approval of its method of recovery.

Requires the PUCO, if an ILEC's method of recovery of lifeline discounts or expenses includes a customer billing surcharge, to prescribe how the surcharge is to be identified on customer bills.

Requires every ILEC that is required to implement lifeline service to file an annual report with the PUCO identifying how many customers receive the service.

### **Rates, terms, and conditions for certain services**

Requires that the rates, terms, and conditions for 9-1-1 service provided by a telephone company or a telecommunications carrier, and for carrier access, N-1-1 services other than 9-1-1 services, pole attachments and conduit occupancy, pay telephone access lines, toll presubscription, and telecommunications relay service, all provided by a telephone company, be approved and tariffed in the manner prescribed by PUCO rule and be subject to the applicable laws, including PUCO and FCC rules, regulations, and orders.

Permits the PUCO to order changes in a telephone company's rates for carrier access, but specifies that if the PUCO reduces a telephone company's rates for carrier access that are in effect on the act's effective date, the reduction must be on a revenue-neutral basis under terms and conditions established by the PUCO.

Prohibits the PUCO from establishing any requirements for the unbundling of network elements, for the resale of telecommunications service, or for network interconnection that exceed or are inconsistent with or prohibited by federal law.

Prohibits the PUCO from establishing pricing for unbundled elements, resale, or interconnection that is not in compliance with federal law.

Requires a telephone company, except with regard to rate alterations made under the act's provisions where 30-days' notice is required, and except, if applicable, with regard to the Community-voicemail Service Pilot Program, to provide at least 15-days' advance notice to its affected customers of any material change in the rates, terms, and conditions of a service and any change in the company's operations that are not transparent to customers and may impact service.

Requires telephone companies to inform customers of the PUCO's toll-free number and e-mail address on all bills and disconnection notices and residential customers of the OCC's toll-free number and e-mail address on all residential bills and disconnection notices.

Authorizes the PUCO to adopt rules requiring telephone companies that provide telephone toll service to offer discounts for operator-assisted and direct-dial services for persons with communication disabilities.

Authorizes the PUCO to adopt rules regarding the rates, terms, and conditions of intrastate telecommunications service initiated from an inmate telephone instrument.

## **Investigations and adjudications**

Permits the PUCO to investigate or examine the books, records, or practices of any telephone company.

Permits any person to file with the PUCO, or the PUCO to initiate, a complaint alleging that any rate, practice, or service of a telephone company other than a wireless service provider is unjust, unreasonable, unjustly discriminatory, or in violation of or noncompliance with any of the act's provisions or a PUCO rule or order.

Permits any dispute between telephone companies, between telephone companies and wireless service providers, or between wireless service providers that is within the PUCO's jurisdiction under the act to be brought by a complaint filed under the act's complaint procedure.

## **Various telecommunication and other changes**

Requires every telephone company providing telephone exchange service to maintain access to 9-1-1 service on a residential customer's line for at least 14 days immediately following any disconnection for nonpayment of telephone exchange service.

Requires the PUCO to implement, in at least one urban area and one rural area, a two-year Community-voicemail Service Pilot Program, for those who have no traditional access to telephone service, through a competitive-bidding process for selection of vendors to implement the program, requires the imposition of an assessment on all local exchange carriers for the cost of providing the service, and authorizes forfeitures for carriers who do not comply with the assessment requirements.

Requires, to the extent they are subject to the PUCO's jurisdiction under the act, every telephone company, including every wireless service provider, every telecommunications carrier, and every provider of internet protocol-enabled services, including voice over internet protocol, to comply with every order, direction, and requirement of the PUCO made under authority of the act.

Limits the information that is required in a telephone company's and wireless service provider's annual report to information that is necessary for the PUCO to calculate the PUCO assessment.

Eliminates authority for the PUCO to require a telephone company to file supplemental reports of each exchange area it owns or operates, and eliminates the requirement that the PUCO require such a supplemental report if 15% of the subscribers of an exchange requested it.

Requires the PUCO to adopt rules that require a telephone company that is subject to continuing law governing pole attachments and conduit occupancy to include in its annual report information required by the PUCO to calculate pole attachment and conduit occupancy rates and any other information the PUCO determines necessary, and requires by rule for the PUCO to fulfill its responsibility under the pole attachment law.

Requires that a telephone company's lines and facilities not unreasonably interfere with the practical uses of the property on which they are located, and requires a telephone company to repair defective lines and facilities.

Alters the applicability of telephone law regarding electricity service and automatic package carriers.

Eliminates law that stated that unless otherwise ordered by the PUCO each telephone company had to file a copy of any contract, agreement, note, bond, or other arrangement entered into with any telephone management, service, or operating company.

Eliminates law that required every telephone company to carry a proper and adequate depreciation or deferred maintenance account.

Requires telephone companies to file rate schedules only for the following rates: charges for use of attachment of any wire, cable, facility, or apparatus to its poles, pedestals, or placement of attachments in conduit duct space, basic-local-exchange-service rate changes authorized under the act, lifeline service, discounts for operator-assisted and direct-dial services for persons with communication disabilities, carrier access and other services, inmate telephone instruments, and 9-1-1 service.

Establishes requirements regarding the approval of domestic telephone company mergers by the PUCO, and provides for the enforcement of PUCO rule violations by the Attorney General and Ohio courts.

Creates the Select Committee on Telecommunications Regulatory Reform to review the economic benefits of the act and its impact on jobs, telephone company rates, telephone company quality of service, lifeline program customers, rural markets, rural broadband deployment, the Community-voicemail Service Pilot Program, and carrier access to private property, and requires the Committee to submit a written report of its findings and recommendations to the General Assembly and the Governor no later than four years after the effective date of the act, at which time the Committee will cease to exist.

Requires the PUCO to cooperate with the Committee and provide reports and any other information that the Committee requests, and permits the Committee to request assistance from the Legislative Service Commission.

Requires an offender-monitoring device to be designed for electronic monitoring and not be a converted wireless phone or tracking device not designed for that purpose, and requires the device to provide a means of text-based or voice communication.

Repeals law that required that it be deemed prima facie evidence of inadequate service by any telephone company, except one serving fewer than 500 telephones, for more than ten persons, parties, or subscribers to be served on any one telephone line.

Repeals law that permitted the PUCO to make investigations as it deemed necessary and ascertain and prescribe reasonable standards of telephone service.

Repeals law that authorized a telephone company to: (1) apply to exercise a right of franchise or render service in an area of inadequate service, or (2) merge, consolidate, or integrate to provide service in an area of inadequate service.

Repeals law that allowed for changes in service focused on the provision of adequate service.

Repeals law that permitted the PUCO to order repairs and improvements in telephone service.

Repeals law that permitted the PUCO to require two or more telephone companies to form continuous lines.

Repeals a prohibition against the willful and malicious interference with a telegraph or telephone line, wire, or cable, and repeals a prohibition against a person connected with a telephone company willingly divulging a private telephone message.

Repeals law that required party lines to be yielded in an emergency.

Repeals law that prohibited threat or harassment over the telephone.

Repeals law that permitted PUCO dismissal of a petition for approval of an inter-utility transaction or merger.

Removes references to and provisions of law that related to telegraph companies and their regulation by the PUCO.

Removes defined terms from continuing definition sections in Revised Code Title 49 that are not used in the applicable chapter.



# VETERANS

## Sub. H.B. 449

**Reps.** Ujvagi, Yuko, Goyal, Belcher, Boose, Boyd, Brown, Carney, Celeste, Chandler, DeBose, Domenick, Dyer, Evans, Fende, Foley, Garland, Hackett, Harris, Harwood, Heard, Letson, Luckie, Lundy, Mallory, Murray, Oelslager, Otterman, Patten, Pillich, Pryor, Reece, Schneider, Skindell, Stewart, Sykes, Szollosi, Weddington, B. Williams, Winburn

**Sens.** Carey, Fedor, Turner, Cafaro, Gibbs, Grendell, Harris, D. Miller, Morano, Patton, Sawyer, Schaffer, Schiavoni, Schuring, Strahorn, Wagoner, Widener, Wilson, Kearney

**Effective date:** September 17, 2010; certain provisions effective June 18, 2010

Permits the use of the federal DD form 93, "Record of Emergency Data Form," to satisfy the written declaration requirements for designating a person who is authorized to direct disposition of a person's remains.

Establishes criteria for determining military leave pay for publicly employed firefighters and emergency medical technicians with nontraditional work schedules.

Adds, to the membership of the Veterans Advisory Committee, a member of the Military Officers Association of America.

Modifies the law governing the operation of Ohio veterans' homes.

Modifies eligibility requirements for admission to veterans' homes by reducing the Ohio residency requirement to one year and by repealing the requirement to give preference for admission to veterans who have served in Ohio military organizations.

Eliminates a requirement that the Director of Veterans Services biennially publish a directory of newly enacted laws dealing with veterans.

Eliminates a requirement that the Director of Veterans Services make an annual report to the Governor regarding expenditures with respect to and management of the Ohio Veterans' Home Agency.

Eliminates a requirement that the Director seek Medicaid certification for veterans' homes and Medicaid eligibility for veterans' home residents.

Makes other miscellaneous changes to the laws governing the Department of Veterans Services.



Removes statutory references to the Ohio Veterans' Home Agency and replaces references to the Director with the Superintendent of Ohio Veterans' Homes, as appropriate, in the laws governing the administration of veterans' homes.

Modifies pay and accrual of leave provisions for the Adjutant General, the Assistant Adjutant General for Army, the Assistant Adjutant for Air, and the Assistant Quartermaster General (AQG).

Makes changes to the eligibility requirements to serve as Adjutant General, Assistant Adjutant General for Army, and Assistant Adjutant General for Air or as AQG.

Specifies that an Assistant Quartermaster General in the grade of colonel or brigadier general, or any retired officer who has appropriate qualifications for the position, may serve on the Governor's military staff.

Removes a requirement that the Governor's military staff include four aides-de-camp.

Modifies the law establishing who may administer oaths for the purposes of military administration and affidavits.

Makes miscellaneous changes to the laws governing the Adjutant General and Ohio National Guard.

Makes changes to the Ohio National Guard Scholarship Program.

Provides that the spouse of a deceased former prisoner of war (POW) may still apply for and receive a POW license plate even if the spouse has remarried.

Changes the law regarding the length of leases of vacant armories.

Combines two appropriation line items within the Department of Veterans Services appropriation without affecting overall appropriation amounts.

Corrects the name of the Staff Sgt. Sean Landrus Memorial Highway.



## Sub. S.B. 147

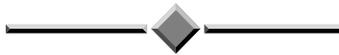
**Sens.** Hughes, Faber, Fedor, Goodman, Grendell, R. Miller, Wilson, Carey, Wagoner, Stewart, Buehrer, Cates, Gibbs, Jones, D. Miller, Morano, Patton, Schaffer, Schiavoni, Smith, Turner, Harris, Strahorn

**Reps.** J. Adams, R. Adams, Amstutz, Bacon, Baker, Balderson, Batchelder, Beck, Belcher, Blair, Blessing, Bolon, Boose, Boyd, Brown, Bubp, Burke, Carney, Celeste, Chandler, Coley, Combs, Daniels, DeBose, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Gardner, Garland, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hagan, Hall, Harris, Harwood, Hite, Hottinger, Huffman, Jordan, Koziura, Letson, Luckie, Lundy, Maag, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Morgan, Murray, Oelslager, Okey, Otterman, Patten, Phillips, Pillich, Pryor, Reece, Ruhl, Sayre, Schneider, Sears, Skindell, Slesnick, Snitchler, Stautberg, Stebelton, Stewart, Szollosi, Uecker, Wachtmann, Walter, Weddington, B. Williams, Winburn, Yuko, Zehringer

**Effective date:** July 2, 2010

Gives the right of disposition to the United States Secretary of Veterans Affairs regarding abandoned or unclaimed cremated remains of persons who are entitled to be buried in a national cemetery.

Specifies that a funeral home holding unclaimed cremated remains may dispose of the remains in the same manner as a crematory facility may do so.



## HISTORY OF BILLS THAT BECAME ACTS

Listed on the following pages is the legislative history of each bill enacted in 2010. The legend at the top left-hand corner of the following pages contains abbreviations for various actions taken on the bills. The committees of the House of Representatives and Senate are abbreviated as follows:

### House

ADS	Aging & Disability Services
ANR	Agriculture & Natural Resources
CC	Civil & Commercial Law
CRJ	Criminal Justice
ECD	Economic Development
EE	Elections & Ethics
EBD	Environment & Brownfield Development
FA	Finance & Appropriations
HLT	Health
HCA	Healthcare Access & Affordability
INS	Insurance
JUD	Judiciary
LGA	Local Government/Public Administration
PU	Public Utilities
SG	State Government
TI	Transportation & Infrastructure
VA	Veterans Affairs
WM	Ways & Means

### Senate

AG	Agriculture
ENR	Environment & Natural Resources
EPU	Energy & Public Utilities
FIN	Finance & Financial Institutions
GO	Government Oversight
HHA	Health, Human Services, & Aging
HT	Highways & Transportation
ICL	Insurance, Commerce & Labor
JCR	Judiciary – Criminal Justice
JCV	Judiciary – Civil Justice
SLG	State & Local Government & Veterans Affairs
WME	Ways & Means & Economic Development





Status Report of Legislation - 128th GA			House Action				Senate Action				Further Action			
House Bill	A - Amended R - Rereferred S - Substitute * - Note F - Failed to Pass P - Postponed V - Vetoed		Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	To Conf. Cmte.	Concurrence	Gov. Action	Effective Date
	Primary Sponsor(s)	Subject												
5	Okey Dodd	Winning candidate transition funds	02/17/09	EE	S 05/13/09	05/27/09	05/28/09	GO	S 12/16/09	12/16/09	01/26/10	06/03/10	06/10/10	* 09/10/10
10	Brown	Protection order-child's dating partner/domestic violence-include foster parents	02/17/09	CC	S 06/17/09	06/24/09	06/25/09	JCV	* S 03/04/10	A 03/09/10		03/10/10	03/17/10	06/17/10
27	Gerberly	Korean War Veterans' Memorial Highway-Interstate 680 in Mahoning County	02/18/09	TT	S 10/21/09	A 10/28/09	10/29/09	HT	S 01/14/10	A 02/03/10		02/17/10	02/27/10	05/31/10
48	Ujvagi	Two weeks' leave-spouse/parent of active duty/injured service member	02/24/09	VA	S 06/10/09	06/17/09	06/18/09	SLG	S 03/24/10	A 03/24/10		03/24/10	04/02/10	* 07/02/10
50	Domenick	Vehicle registration certificate-include duplicate omitting address	02/24/09	INS	S 05/06/09	A 05/20/09	05/21/09	HT	S 05/20/10	05/26/10		05/27/10	06/08/10	09/08/10
102	Book	Unbilical cord blood donations	03/26/09	HLT	S 06/02/09	06/03/09	06/04/09	HHA	S 06/30/09	03/24/10		03/24/10	03/31/10	06/30/10
190	Fende	Dentists/dental hygienists-regulatory procedures/oral health supervision program	05/26/09	HCA	S 06/18/09	06/24/09	06/25/09	HHA	S 01/28/10	05/12/10		05/19/10	05/27/10	08/31/10
198	Lehner Ujvagi	Model Medical Home/Medical students-primary care-scholarships	06/02/09	HCA	S 02/25/10	03/03/10	03/04/10	*HHA	S 05/20/10	05/25/10		05/27/10	06/08/10	* 06/08/10
215	Letson Mecklenborg	State Dental Board-modify law governing investigations and hearings	06/09/09	HLT	S 10/08/09	A 03/03/10	03/04/10	HHA	S 05/27/10	05/27/10		06/02/10	06/13/10	09/13/10
238	Harwood	Spousal separation-disclose all assets	06/23/09	JUD	S 10/28/09	11/18/09	11/19/09	JCV	S 03/11/10	A 05/25/10		05/27/10	06/08/10	* 09/08/10
292	Letson Oelslager	Real estate conveyances-prohibit transfer fees in certain cases	09/30/09	CC	S 12/10/09	02/03/10	02/04/10	JCV	S 05/27/10	05/27/10		06/02/10	06/13/10	09/13/10
300	Dyer Hottinger	Regulation of insurance agents/insurance taxes-revise law	10/06/09	INS	A 11/05/09	12/01/09	12/02/09	ICL	S 02/24/10	02/24/10		02/24/10	02/25/10	* 02/25/10
313	Ujvagi Winburn	County land reutilization corporations-organization/redemption period/immunity	10/14/09	LGA	S 12/10/09	12/16/09	12/17/09	WME	S 03/11/10	03/24/10		03/24/10	04/07/10	07/07/10
330	Patten	Department of Transportation purchasing contracts-include school districts	10/27/09	TT	S 12/16/09	01/27/10	01/28/10	HT	S 05/27/10	A 06/02/10		*12/08/10	12/23/10	03/24/11
338	Book Uecker	Driver's license-litigate all issues concerning in a single court	10/28/09	CC	S 03/03/10	04/14/10	04/15/10	JCV	S 06/02/10	06/03/10		06/03/10	06/18/10	* 09/17/10
393	Gerberly Blessing	Townships-notices to landowners to remove nuisances	12/10/09	LGA	S 03/03/10	05/19/10	05/20/10	SLG	S 06/02/10	* 06/03/10		06/03/10	06/18/10	06/18/10
398	Newcomb Lehner	PASSPORT/Assisted Living- waiting list/ long-term care debts- certificate of need denials	12/16/09	ADS	S 03/10/10	A 03/24/10	03/25/10	FIN	S 05/12/10	05/18/10		05/18/10	05/27/10	08/31/10
414	Sayre Bolon	Implement Issue 2-Ohio Livestock Care Standards Board-operations	01/19/10	ANR	S 03/03/10	03/10/10	03/11/10	AG	S 03/24/10	03/24/10		03/24/10	03/31/10	03/31/10
449	Ujvagi	Person to direct disposition of human remains-DD Form 93 sufficient to authorize	02/11/10	VA	S 03/03/10	03/10/10	03/11/10	SLG	S 06/02/10	06/03/10		06/03/10	06/18/10	* 09/17/10
462	Sykes	Capital reappropriations /certain capital appropriations -FY 2011 & 2012	03/08/10	FA	S 03/16/10	03/16/10	03/16/10	FIN	S 03/24/10	03/24/10		03/24/10	03/30/10	* 07/01/10
495	Book Dodd	Recommendations of Sunset Review Committee- implement	04/15/10	SG	S 05/27/10	06/03/10	06/08/10	SLG	S 12/07/10	12/07/10		12/08/10	12/15/10	12/15/10
519	Yuko Book	Casino gaming- regulate/bingo-revisions/ charity card rooms-authorize	05/18/10	*FA	* S 05/26/10	A 05/26/10	05/28/10	GO	S 06/02/10	06/02/10	06/03/10	06/03/10	06/10/10	09/10/10



## H.B. No.

## Notes for House Bill Status Report

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| 5   | Eff. Date Note: Sections 3 and 4 effective 06/10/10   |
| 10  | S. Cmte. Report Note: Reported substitute 12/03/09 by JCV; Re-committed to JCV on 02/24/10  |
| 48  | Eff. Date Note: Certain provisions effective 04/02/10   |
| 198 | S. Cmte. Assigned Note: Referred to ICL on 03/09/10<br>Eff. Date Note: Certain provisions effective 09/06/10  |
| 238 | Eff. Date Note: Certain provisions effective 01/01/11   |
| 300 | Eff. Date Note: Certain provisions effective on 01/01/12; certain sections effective on other dates   |
| 330 | Concurrence Note: Not having received a constitutional majority, the emergency clause failed of passage and Senate amendments not concurred in on 06/03/10; Senate receded from its amendments on 12/08/10, causing immediate concurrence |
| 338 | Eff. Date Note: Certain provisions effective 01/01/11   |
| 393 | S. 3rd Cons. Note: Informally passed on 06/02/10 and 06/03/10 and retained its place on the calendar  |
| 449 | Eff. Date Note: Certain provisions effective 06/18/10   |
| 462 | Eff. Date Note: 06/29/10 is technically the constitutional effective date; however, Section 111.70 of the Act provides that all Sections take effect 07/01/10   |
| 519 | H. Cmte. Assigned Note: Referred to ECD on 05/18/10<br>H. Cmte. Report Note: Reported by ECD as a substitute on 5/25/10   |
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Status Report of Legislation - 128th GA			Senate Action				House Action				Other Action			
Senate Bill	A - Amended R - Rereferred S - Substitute * - Note F - Failed to Pass P - Postpone V - Vetoed		Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	To Conf. Cmte.	Concurrence	Gov. Action	Effective Date
	Primary Sponsor(s)	Subject												
51	Morano	Ohio Turfgrass Week-last week of May	02/12/09	AG	A 04/29/09	09/29/09	09/30/09	ANR	10/28/09	12/08/10		12/08/10	12/23/10	03/24/11
58	Hughes	Bodily substances-prohibit collecting unless privileged to do so	02/26/09	JCR	S 03/26/09	A 04/21/09	04/22/09	CRJ	S 05/26/10	05/26/10		06/02/10	06/18/10	09/17/10
77	Goodman	DNA testing of criminals	03/11/09	JCV	S 06/18/09	A 06/24/09	06/25/09	CRJ	S 01/14/10	03/16/10		*03/24/10	04/05/10	07/06/10
85	Stewart	Political subdivisions-contract for repair and maintenance of water storage tanks	03/24/09	SLG	S 06/17/09	06/24/09	06/25/09	SG	01/21/10	03/24/10		03/24/10	03/31/10	06/30/10
110	Niehaus	Household Sewage Treatment Systems Law-revise	04/14/09	ENR	S 05/19/10	05/19/10	05/20/10	EBD	S 05/27/10	A 05/27/10	06/02/10	06/03/10	06/18/10	09/17/10
131	Gillino Cafaro	State agencies/higher education-biobased product purchase program	06/03/09	AG	S 09/23/09	A 09/29/09	09/30/09	ANR	S 02/08/10	* 02/17/10		02/17/10	02/27/10	05/31/10
147	Hughes	Unclaimed remains-interment in national cemetery-release to U.S. Veterans Affairs	06/16/09	SLG	S 10/15/09	10/27/09	10/28/09	VA	03/18/10	03/24/10		03/24/10	04/02/10	07/02/10
155	Carey Miller D	Federal tax changes-decouple Ohio from/Disability Medical Assistance continuation	07/13/09	FFN	S 01/13/10	01/27/10	01/28/10	FA	S 03/24/10	* 03/24/10		03/24/10	03/31/10	03/31/10
162	Buelver	Telephone companies-revise regulation of public utilities-confidential information	08/27/09	EPU	S 12/15/09	A 12/15/09	12/16/09	PU	S 06/02/10	06/03/10		06/03/10	06/13/10	09/13/10
165	Niehaus	Oil and Gas Law-revise	09/01/09	ENR	S 12/09/09	* 12/15/09	12/16/09	ANR	S 03/11/10	03/24/10		03/24/10	03/31/10	06/30/10
181	Stewart	Landowners-provide access to abandoned mines for reclamation-immunity	10/06/09	*ENR	S 12/15/09	A 01/12/10	01/13/10	*FA	* S 05/27/10	05/27/10	06/02/10	06/03/10	06/13/10	* 09/13/10
183	Schaffer	Architects Law-eliminate grandfather exemption of certain corporations	10/08/09	ICL	A 12/09/09	12/15/09	12/16/09	CC	03/23/10	06/02/10		06/02/10	06/10/10	09/10/10
187	Seitz	Ohio Planned Community Law	10/15/09	SLG	01/21/10	A 02/17/10	02/22/10	CC	S 04/14/10	A 06/03/10		06/03/10	06/10/10	09/10/10
194	Kearney	Income tax refund-transmit directly to taxpayer's savings/retirement account	10/27/09	FFN	S 01/27/10	02/17/10	02/22/10	WM	A 03/18/10	04/14/10		05/11/10	05/20/10	08/19/10
204	Wagoner	Motor Vehicles Dealers Law-franchise termination/prohibited acts	11/12/09	ICL	S 05/26/10	A 05/26/10	05/27/10	CC	S 06/02/10	06/03/10		06/03/10	06/10/10	09/10/10
210	Coughlin Kearney	Students-nutrition/body mass checks/physical activity	11/17/09	HHA	S 05/17/10	A 05/18/10	05/19/10	HLT	S 06/02/10	06/02/10		06/03/10	06/18/10	* 09/17/10
232	Widener	Renewable energy facilities-property tax exemption/payments in lieu of taxes	02/24/10	EPU	S 05/13/10	A 05/18/10	05/19/10	WM	S 06/03/10	A 06/03/10		06/03/10	06/17/10	06/17/10
235	Fedor Grendell	Trafficking in persons-a crime	03/02/10	JCR	S 12/01/10	12/01/10	12/06/10	CRJ	12/08/10	12/08/10		12/08/10	12/23/10	03/24/11
270	Hughes Miller R	Dain construction pilot program	05/25/10	SLG	S 05/27/10	A 05/27/10	06/01/10	ANR	06/02/10	A 06/03/10		06/03/10	06/13/10	09/13/10



## S.B. No.

## Notes for Senate Bill Status Report

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| 77  | Concurrence Note: Informally passed on 03/18/10 and 03/23/10 and retained its place on the calendar  |
| 131 | H. 3rd Cons. Note: Informally passed on 02/09/10 until 02/17/10  |
| 155 | H. 3rd Cons. Note: Informally passed on 03/24/10 and retained its place on the calendar  |
| 165 | S. 3rd Cons. Note: Informally passed on 12/09/09 and 12/10/09 and retained its place on the calendar   |
| 181 | S. Cmte. Assigned Note: Referred to JCV on 10/20/09; Rereferred to ENR on 11/18/09<br>H. Cmte. Assigned Note: Referred to ANR on 01/19/10<br>H. Cmte. Report Note: Reported by ANR as a substitute on 5/17/10<br>Eff. Date Note: Certain sections effective 06/13/10; contains item vetoes |
| 210 | Eff. Date Note: Certain provisions effective 07/01/11  |
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Status Report of Legislation - 128th GA			House Action				Senate Action				Other Action			
House Jnt. Reso.	A - Amended R - Rereferred S - Substitute * - Note		Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	To Conf. Cmte.	Concurrence	Gov. Action	Effective Date
	Primary Sponsor(s)	Subject												
12	Williams S Goyal	CA-Issue general obligation bonds for research and development	12/07/09	ECD	S 01/13/10	01/13/10	01/14/10	FIN	S 01/26/10	01/26/10	01/28/10	02/03/10		*

H.J.R. No.

## Notes for House Joint Resolution Status Report

12 Eff. Date Note: Constitutional amendment adopted by voters on 05/04/10

Status Report of Legislation - 128th GA			Senate Action				House Action				Other Action			
Senate Jnt. Reso.	A - Amended R - Rereferred S - Substitute * - Note		Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	Introduced	Cmte. Assigned	Cmte. Report	Passed 3rd Consideration	To Conf. Cmte.	Concurrence	Gov. Action	Effective Date
	Primary Sponsor(s)	Subject												
8	Goodman Hughes	CA-Casinos-local option whether casinos allowed in a county	11/24/09	GO	A 01/21/10	01/26/10	01/27/10			01/27/10		01/27/10		*

S.J.R. No.

## Notes for Senate Joint Resolution Status Report

8 Eff. Date Note: Constitutional amendment adopted by voters on 05/04/10

## REVISED CODE SECTIONS AFFECTED

Listed below are all sections\* of the Revised Code affected by acts of the 128th General Assembly during 2010. Most listed sections were amended, enacted, enacted new, suspended, or repealed using the same section number. Some sections were renumbered. For the renumbered sections, the old number and the new number are listed separately. The new number also appears in parentheses underneath the old number.

<u>General</u>			0121.60	H 0519	Amend	0303.12	H 0048	Amend
<u>Provisions</u>			0122.12	S 0181	Amend	0303.25	H 0048	Amend
			0123.024	H 0449	Amend	0305.02	H 0048	Amend
0001.62	H 0313	Amend	0124.81	H 0238	Amend	0305.31	H 0048	Amend
0003.02	H 0048	Amend	0125.04	S 0131	Amend	0306.32	H 0048	Amend
0005.033	H 0393	Enact	0125.091	S 0131	Enact	0306.321	H 0048	Amend
0005.034	H 0393	Enact	0125.092	S 0131	Enact	0306.70	H 0048	Amend
0005.2239	S 0051	Enact	0125.093	S 0131	Enact	0306.71	H 0048	Amend
0009.29	S 0085	Enact	0133.06	H 0048	Amend	0307.676	H 0048	Amend
			0133.18	H 0048	Amend	0307.677	H 0048	Amend
			0135.143	S 0181	Amend	0307.695	H 0048	Amend
<u>Title 1</u>			0135.35	H 0313	Amend	0307.697	H 0048	Amend
			0141.02	H 0449	Amend	0307.791	H 0048	Amend
0101.70	H 0519	Amend	0141.04	H 0238	Amend	0307.94	H 0048	Amend
0101.82	H 0495	Suspend	0148.06	S 0181	Amend	0307.95	H 0048	Amend
0101.83	H 0495	Suspend	0173.401	H 0398	Amend	0311.06	H 0393	Amend
0101.84	H 0495	Suspend	0173.404	H 0398	Enact	0313.07	H 0393	Amend
0101.85	H 0495	Suspend	0173.501	H 0398	Amend	0317.321	H 0393	Amend
0101.86	H 0495	Suspend	0185.01	H 0198	Enact	0321.343	H 0313	Enact
0101.87	H 0495	Suspend	0185.02	H 0198	Enact	0322.02	H 0048	Amend
0102.02	H 0414	Amend	0185.03	H 0198	Enact	0322.021	H 0048	Amend
0102.02	H 0519	Amend	0185.04	H 0198	Enact	0323.78	H 0313	Amend
0102.03	H 0519	Amend	0185.05	H 0198	Enact	0324.01	S 0162	Amend
0109.31	H 0519	Amend	0185.06	H 0198	Enact	0324.02	H 0048	Amend
0109.36	H 0010	Amend	0185.07	H 0198	Enact	0324.021	H 0048	Amend
0109.561	S 0077	Enact	0185.08	H 0198	Enact	0324.03	S 0162	Amend
0109.561	S 0058	Amend	0185.09	H 0198	Enact	0345.03	H 0048	Amend
0109.57	H 0010	Amend	0185.10	H 0198	Enact	0349.01	H 0313	Amend
0109.572	H 0519	Amend	0185.11	H 0198	Enact	0349.03	H 0313	Amend
0109.573	S 0077	Amend	0185.12	H 0198	Enact	0349.04	H 0313	Amend
0109.71	H 0519	Amend				0349.06	H 0313	Amend
0109.77	H 0519	Amend				0349.14	H 0313	Amend
0109.79	H 0519	Amend	<u>Title 3</u>			0351.26	H 0048	Amend
0117.13	S 0155	Amend						
0119.01	H 0292	Amend	0302.03	H 0048	Amend			
0119.12	H 0215	Amend	0302.09	H 0048	Amend			
0121.41	H 0519	Amend	0303.11	H 0048	Amend			

\* Some sections that were affected by acts are not listed and some sections, although listed, do not show all of the actions affecting them. Excluded from the list are sections for which the affecting action was postponed to a future date by legislation enacted during 2010. The list also excludes sections vetoed in full by the Governor.



<u>Title 5</u>			0755.01	H 0048	Amend	1157.17	H 0292	Repeal
			0755.14	S 0270	Amend	1157.18	H 0292	New Enact
0503.02	H 0048	Amend	0755.141	S 0270	Enact	1157.18	H 0292	Repeal
0503.161	H 0048	Amend	0757.02	H 0048	Amend	1157.19	H 0292	New Enact
0503.24	H 0048	Amend	0759.25	H 0048	Amend	1157.19	H 0292	Repeal
0503.41	H 0048	Amend				1157.20	H 0292	New Enact
0504.01	H 0048	Amend				1157.20	H 0292	Repeal
0504.03	H 0048	Amend	<u>Title 9</u>			1157.21	H 0292	New Enact
0505.13	H 0048	Amend				1157.21	H 0292	Repeal
0505.14	H 0048	Amend	0904.01	H 0414	Enact	1157.22	H 0292	Repeal
0505.87	H 0393	Amend	0904.02	H 0414	Enact	1157.22	H 0292	New Enact
0511.01	H 0048	Amend	0904.03	H 0414	Enact	1157.23	H 0292	Repeal
0511.22	H 0048	Amend	0904.04	H 0414	Enact	1157.23	H 0292	New Enact
0511.27	H 0048	Amend	0904.05	H 0414	Enact	1157.24	H 0292	Repeal
0511.28	H 0048	Amend	0904.06	H 0414	Enact	1157.24	H 0292	New Enact
0511.33	H 0048	Amend	0904.07	H 0414	Enact	1157.25	H 0292	Repeal
0511.34	H 0048	Amend	0904.08	H 0414	Enact	1157.25	H 0292	New Enact
0513.06	H 0048	Amend	0904.09	H 0414	Enact	1157.26	H 0292	New Enact
0513.13	H 0048	Amend	0926.31	S 0181	Amend	1157.26	H 0292	Repeal
0513.18	H 0048	Amend				1157.27	H 0292	Repeal
0517.05	H 0048	Amend				1157.27	H 0292	New Enact
0519.11	H 0048	Amend	<u>Title 11</u>			1157.28	H 0292	Repeal
0519.12	H 0048	Amend				1157.28	H 0292	New Enact
0519.25	H 0048	Amend	1125.19	H 0292	Amend	1157.29	H 0292	Repeal
			1125.28	H 0292	Amend	1157.29	H 0292	New Enact
			1157.01	H 0292	New Enact	1157.30	H 0292	Enact
<u>Title 7</u>			1157.01	H 0292	Old	1157.33	H 0292	Enact
					Number	1165.01	H 0292	Old
0705.01	H 0048	Amend			(1157.09)			Number
0707.21	H 0048	Amend	1157.01	H 0292	Amend			(1165.09)
0709.29	H 0048	Amend	1157.02	H 0292	Repeal	1165.01	H 0292	Amend
0709.39	H 0048	Amend	1157.03	H 0292	Repeal	1165.01	H 0292	New Enact
0709.45	H 0048	Amend	1157.03	H 0292	New Enact	1165.02	H 0292	Repeal
0709.462	H 0048	Amend	1157.04	H 0292	Repeal	1165.03	H 0292	New Enact
0709.48	H 0048	Amend	1157.04	H 0292	New Enact	1165.03	H 0292	Repeal
0709.50	H 0048	Amend	1157.05	H 0292	New Enact	1165.04	H 0292	New Enact
0711.05	S 0110	Amend	1157.05	H 0292	Repeal	1165.04	H 0292	Repeal
0711.10	S 0110	Amend	1157.06	H 0292	Repeal	1165.05	H 0292	Repeal
0715.69	H 0048	Amend	1157.06	H 0292	New Enact	1165.05	H 0292	New Enact
0715.691	H 0048	Amend	1157.07	H 0292	Repeal	1165.06	H 0292	New Enact
0715.70	H 0048	Amend	1157.08	H 0292	Repeal	1165.06	H 0292	Repeal
0715.71	H 0048	Amend	1157.09	H 0292	Repeal	1165.07	H 0292	Repeal
0715.77	H 0048	Amend	1157.09	H 0292	New	1165.08	H 0292	Repeal
0717.25	S 0232	Amend			Number	1165.09	H 0292	Repeal
0718.01	H 0048	Amend	1157.10	H 0292	Repeal	1165.09	H 0292	New
0718.09	H 0048	Amend	1157.10	H 0292	New Enact			Number
0718.10	H 0048	Amend	1157.11	H 0292	Repeal	1165.10	H 0292	Repeal
0731.03	H 0048	Amend	1157.11	H 0292	New Enact	1165.10	H 0292	New Enact
0731.28	H 0048	Amend	1157.12	H 0292	Repeal	1165.11	H 0292	Repeal
0731.29	H 0048	Amend	1157.12	H 0292	New Enact	1165.11	H 0292	New Enact
0733.09	H 0048	Amend	1157.13	H 0292	New Enact	1165.12	H 0292	Repeal
0733.261	H 0048	Amend	1157.13	H 0292	Repeal	1165.12	H 0292	New Enact
0733.262	H 0048	Amend	1157.14	H 0292	New Enact	1165.13	H 0292	Repeal
0733.31	H 0048	Amend	1157.14	H 0292	Repeal	1165.13	H 0292	New Enact
0733.48	H 0048	Amend	1157.15	H 0292	Repeal	1165.14	H 0292	Repeal
0735.054	S 0085	Enact	1157.16	H 0292	Repeal	1165.14	H 0292	New Enact
0749.021	H 0048	Amend	1157.17	H 0292	New Enact	1165.15	H 0292	Repeal



1165.16	H 0292	Repeal	1509.13	S 0165	Amend	<u>Title 19</u>		
1165.17	H 0292	Repeal	1509.14	S 0165	Amend			
1165.17	H 0292	New Enact	1509.17	S 0165	Amend	1901.01	H 0238	Amend
1165.18	H 0292	New Enact	1509.18	S 0165	Amend	1901.01	H 0338	Amend
1165.18	H 0292	Repeal	1509.181	S 0165	Enact	1901.02	H 0238	Amend
1165.19	H 0292	New Enact	1509.19	S 0165	Enact	1901.02	H 0338	Amend
1165.19	H 0292	Repeal	1509.20	S 0165	Amend	1901.021	H 0238	Amend
1165.20	H 0292	New Enact	1509.21	S 0165	Amend	1901.03	H 0238	Amend
1165.20	H 0292	Repeal	1509.22	S 0165	Amend	1901.03	H 0338	Amend
1165.21	H 0292	Repeal	1509.221	S 0165	Amend	1901.06	H 0238	Amend
1165.21	H 0292	New Enact	1509.222	S 0165	Amend	1901.07	H 0238	Amend
1165.22	H 0292	New Enact	1509.225	S 0165	Amend	1901.07	H 0048	Amend
1165.22	H 0292	Repeal	1509.226	S 0165	Amend	1901.07	H 0338	Amend
1165.23	H 0292	New Enact	1509.23	S 0165	Amend	1901.08	H 0238	Amend
1165.23	H 0292	Repeal	1509.24	S 0165	Amend	1901.08	H 0338	Amend
1165.24	H 0292	Repeal	1509.27	S 0165	Amend	1901.10	H 0048	Amend
1165.24	H 0292	New Enact	1509.31	S 0165	Amend	1901.31	H 0238	Amend
1165.25	H 0292	New Enact	1509.34	S 0165	Enact	1901.31	H 0048	Amend
1165.25	H 0292	Repeal	1509.35	S 0165	Amend	1901.31	H 0338	Amend
1165.26	H 0292	New Enact	1509.36	S 0165	Amend	1901.312	H 0238	Amend
1165.26	H 0292	Repeal	1509.50	S 0165	Enact	1901.312	H 0338	Amend
1165.27	H 0292	Repeal	1509.60	S 0165	Enact	1901.32	H 0238	Amend
1165.27	H 0292	New Enact	1509.61	S 0165	Enact	1901.32	H 0338	Amend
1165.28	H 0292	Repeal	1513.372	S 0181	Enact	1901.34	H 0238	Amend
1165.28	H 0292	New Enact	1515.14	S 0155	Amend	1901.34	H 0338	Amend
1165.29	H 0292	Repeal	1515.28	H 0048	Amend	1905.01	H 0238	Amend
1165.29	H 0292	New Enact	1517.03	S 0181	Enact	1907.11	H 0238	Amend
1165.30	H 0292	Enact	1517.04	S 0181	Enact	1907.11	H 0338	Amend
1165.33	H 0292	Enact	1517.23	S 0181	Amend	1907.13	H 0048	Amend
			1545.21	H 0048	Amend	1907.18	H 0238	Amend
			1545.36	H 0048	Amend	1907.26	H 0238	Amend
<u>Title 13</u>			1547.11	S 0058	Amend			
			1565.07	S 0165	Amend			
1332.24	S 0162	Amend	1565.13	S 0165	Amend	<u>Title 21</u>		
			1571.05	S 0165	Amend			
			1571.18	S 0165	Enact	2101.43	H 0048	Amend
<u>Title 15</u>						2108.61	H 0102	Enact
						2108.62	H 0102	Enact
1501.04	S 0181	Amend	<u>Title 17</u>			2108.63	H 0102	Enact
1509.01	S 0165	Amend				2108.72	H 0449	Amend
1509.02	S 0165	Amend	1705.48	H 0519	Amend	2108.73	H 0449	Amend
1509.021	S 0165	Enact	1710.01	S 0232	Amend	2151.23	H 0010	Amend
1509.03	S 0165	Amend	1710.02	S 0232	Amend	2151.34	H 0010	Enact
1509.04	S 0165	Amend	1710.06	S 0232	Amend	2151.358	H 0010	Amend
1509.041	S 0165	Enact	1710.061	S 0232	Enact	2152.02	H 0010	Amend
1509.05	S 0165	Amend	1710.07	S 0232	Amend			
1509.06	S 0165	Amend	1711.15	H 0393	Amend			
1509.062	S 0165	Enact	1711.30	H 0048	Amend	<u>Title 23</u>		
1509.07	S 0165	Amend	1724.02	H 0313	Amend			
1509.071	S 0165	Amend	1724.03	H 0313	Amend	2301.02	H 0048	Amend
1509.072	S 0165	Amend	1724.04	H 0313	Amend	2301.03	H 0010	Amend
1509.073	S 0165	Enact	1724.05	H 0313	Amend	2317.02	S 0162	Amend
1509.10	S 0165	Amend	1751.33	H 0300	Amend			
1509.11	S 0165	Amend	1753.33	H 0300	Amend			
1509.12	S 0165	Amend						



<u>Title 27</u>			2953.57	S 0077	Enact	3313.814	S 0210	Amend
			2953.58	S 0077	Enact	3313.816	S 0210	Enact
2743.191	H 0010	Amend	2953.59	S 0077	Enact	3313.817	S 0210	Enact
2743.48	H 0338	Amend	2953.60	S 0077	Enact	3314.03	S 0210	Amend
			2953.71	S 0077	Amend	3314.18	S 0210	Amend
			2953.72	S 0077	Amend	3316.08	H 0048	Amend
<u>Title 29</u>			2953.73	S 0077	Amend	3318.06	H 0048	Amend
			2953.74	S 0077	Amend	3318.061	H 0048	Amend
2901.01	S 0235	Amend	2953.75	S 0077	Amend	3318.361	H 0048	Amend
2901.07	S 0077	Amend	2953.76	S 0077	Amend	3319.076	S 0210	Enact
2903.213	H 0238	Amend	2953.77	S 0077	Amend	3326.11	S 0210	Amend
2903.214	H 0010	Amend	2953.78	S 0077	Amend	3326.13	S 0210	Amend
2905.01	S 0235	Amend	2953.79	S 0077	Amend	3333.611	H 0198	Enact
2905.02	S 0235	Amend	2953.81	S 0077	Amend	3333.612	H 0198	Enact
2905.31	S 0235	Enact	2953.82	S 0077	Repeal	3345.691	S 0131	Enact
2905.32	S 0235	Enact	2953.83	S 0077	Amend	3345.692	S 0131	Enact
2905.33	S 0235	Enact	2953.84	S 0077	Amend	3354.12	H 0048	Amend
2907.21	S 0235	Amend				3355.02	H 0048	Amend
2913.04	H 0010	Amend				3355.09	H 0048	Amend
2915.01	H 0519	Amend	<u>Title 31</u>			3357.02	H 0048	Amend
2915.02	H 0519	Amend				3357.11	H 0048	Amend
2915.081	H 0519	Amend	3105.171	H 0238	Amend	3375.19	H 0048	Amend
2915.082	H 0519	Amend	3105.63	H 0238	Amend	3375.201	H 0048	Amend
2915.09	H 0519	Amend	3105.65	H 0238	Amend	3375.211	H 0048	Amend
2915.091	H 0519	Amend	3109.06	H 0010	Amend	3375.212	H 0048	Amend
2915.101	H 0519	Amend	3113.31	H 0010	Amend			
2917.21	S 0162	Amend	3113.33	H 0010	Amend			
2919.25	S 0058	Amend				<u>Title 35</u>		
2919.25	H 0010	Amend				3501.012	H 0048	Enact
2919.26	H 0238	Amend	<u>Title 33</u>			3501.02	H 0048	Amend
2919.27	H 0010	Amend				3501.05	H 0048	Amend
2923.01	S 0235	Amend	3301.92	S 0210	Enact	3501.11	H 0048	Amend
2923.31	S 0235	Amend	3301.921	S 0210	Enact	3501.39	H 0048	Amend
2927.15	S 0058	Enact	3301.922	S 0210	Enact	3503.19	H 0048	Amend
2929.01	S 0162	Amend	3301.923	S 0210	Enact	3503.191	H 0048	Enact
2929.01	S 0235	Amend	3302.03	S 0181	Amend	3505.01	H 0048	Amend
2929.13	S 0058	Amend	3302.032	S 0210	Enact	3505.10	H 0048	Amend
2929.15	H 0338	Amend	3306.052	S 0155	Amend	3505.32	H 0048	Amend
2929.24	H 0338	Amend	3311.053	H 0048	Amend	3506.02	H 0048	Amend
2929.25	H 0338	Amend	3311.059	H 0048	Amend	3509.01	H 0048	Amend
2933.51	S 0235	Amend	3311.21	H 0048	Amend	3509.022	H 0048	Repeal
2933.81	S 0077	Enact	3311.213	H 0048	Amend	3509.03	H 0048	Amend
2933.82	S 0077	Enact	3311.22	H 0048	Amend	3509.04	H 0048	Amend
2933.82	S 0058	Amend	3311.231	H 0048	Amend	3509.05	H 0048	Amend
2933.83	S 0077	Enact	3311.25	H 0048	Amend	3511.01	H 0048	Amend
2933.831	S 0077	Enact	3311.26	H 0048	Amend	3511.02	H 0048	Amend
2937.07	H 0338	Amend	3311.37	H 0048	Amend	3511.021	H 0048	Enact
2953.21	S 0077	Amend	3311.38	H 0048	Amend	3511.03	H 0048	Amend
2953.23	S 0077	Amend	3311.50	H 0048	Amend	3511.04	H 0048	Amend
2953.31	S 0077	Amend	3311.73	H 0048	Amend	3511.05	H 0048	Amend
2953.32	S 0077	Amend	3313.44	S 0181	Amend	3511.06	H 0048	Amend
2953.321	S 0077	Amend	3313.6016	S 0210	Enact	3511.08	H 0048	Amend
2953.35	S 0077	Amend	3313.603	S 0210	Amend	3511.09	H 0048	Amend
2953.51	S 0077	Amend	3313.616	H 0449	Amend	3511.10	H 0048	Amend
2953.54	S 0077	Amend	3313.674	S 0210	Enact	3511.11	H 0048	Amend
2953.55	S 0077	Amend	3313.713	H 0190	Amend	3511.12	H 0048	Amend
2953.56	S 0077	Enact	3313.813	S 0210	Amend			



3511.13	H 0048	Amend	3718.11	S 0110	Enact	<u>Title 39</u>		
3511.14	H 0048	Enact	3721.50	H 0449	Amend			
3513.01	H 0048	Amend	3734.901	S 0155	Amend	3901.021	H 0300	Amend
3513.02	H 0048	Amend	3767.05	H 0048	Amend	3903.81	H 0300	Amend
3513.041	H 0048	Amend	3769.27	H 0048	Amend	3903.83	H 0300	Amend
3513.05	H 0048	Amend	3772.01	H 0519	Enact	3905.04	H 0300	Amend
3513.052	H 0048	Amend	3772.02	H 0519	Enact	3905.041	H 0300	Amend
3513.121	H 0048	Amend	3772.03	H 0519	Enact	3905.05	H 0300	Amend
3513.122	H 0048	Amend	3772.031	H 0519	Enact	3905.051	H 0300	Enact
3513.151	H 0048	Amend	3772.032	H 0519	Enact	3905.06	H 0300	Amend
3513.251	H 0048	Amend	3772.033	H 0519	Enact	3905.061	H 0300	Amend
3513.253	H 0048	Amend	3772.034	H 0519	Enact	3905.07	H 0300	Amend
3513.254	H 0048	Amend	3772.04	H 0519	Enact	3905.071	H 0300	Amend
3513.255	H 0048	Amend	3772.05	H 0519	Enact	3905.10	H 0300	Repeal
3513.256	H 0048	Amend	3772.051	H 0519	Enact	3905.12	H 0300	Amend
3513.257	H 0048	Amend	3772.06	H 0519	Enact	3905.14	H 0300	Amend
3513.259	H 0048	Amend	3772.061	H 0519	Enact	3905.16	H 0300	Amend
3513.263	H 0048	Amend	3772.062	H 0519	Enact	3905.20	H 0300	Amend
3513.30	H 0048	Amend	3772.07	H 0519	Enact	3905.30	H 0300	Amend
3513.31	H 0048	Amend	3772.08	H 0519	Enact	3905.35	H 0300	Amend
3513.311	H 0048	Amend	3772.09	H 0519	Enact	3905.36	H 0300	Amend
3513.312	H 0048	Amend	3772.091	H 0519	Enact	3905.40	H 0300	Amend
3517.01	H 0005	Amend	3772.10	H 0519	Enact	3905.41	H 0300	Amend
3517.10	H 0005	Amend	3772.11	H 0519	Enact	3905.481	H 0300	Amend
3517.1014	H 0005	Enact	3772.111	H 0519	Enact	3905.482	H 0300	Repeal
3517.1015	H 0519	Enact	3772.112	H 0519	Enact	3905.483	H 0300	Amend
3517.106	H 0005	Amend	3772.12	H 0519	Enact	3905.484	H 0300	Amend
3517.11	H 0005	Amend	3772.121	H 0519	Enact	3905.841	H 0300	Amend
3517.153	H 0005	Amend	3772.13	H 0519	Enact	3905.85	H 0300	Amend
3517.154	H 0005	Amend	3772.131	H 0519	Enact	3905.86	H 0300	Amend
3517.992	H 0005	Amend	3772.14	H 0519	Enact	3905.862	H 0300	Amend
3519.08	H 0048	Amend	3772.15	H 0519	Enact	3905.87	H 0300	Amend
3519.16	H 0048	Amend	3772.16	H 0519	Enact	3905.88	H 0300	Amend
3599.03	H 0005	Amend	3772.17	H 0519	Enact	3905.89	H 0300	Amend
			3772.18	H 0519	Enact	3905.932	H 0300	Amend
			3772.19	H 0519	Enact	3923.91	H 0198	Amend
<u>Title 37</u>			3772.20	H 0519	Enact	3924.01	H 0300	Amend
			3772.21	H 0519	Enact	3924.09	H 0300	Amend
3701.136	H 0190	Enact	3772.22	H 0519	Enact	3924.10	H 0300	Amend
3702.51	H 0398	Amend	3772.23	H 0519	Enact	3929.30	H 0300	Amend
3702.59	H 0398	Amend	3772.24	H 0519	Enact	3929.301	H 0300	Repeal
3709.051	H 0048	Amend	3772.25	H 0519	Enact	3956.04	H 0300	Amend
3709.071	H 0048	Amend	3772.26	H 0519	Enact	3960.03	H 0300	Amend
3709.29	H 0048	Amend	3772.27	H 0519	Enact			
3718.01	S 0110	Amend	3772.28	H 0519	Enact			
3718.011	S 0110	Enact	3772.29	H 0519	Enact	<u>Title 41</u>		
3718.012	S 0110	Enact	3772.30	H 0519	Enact			
3718.02	S 0110	Amend	3772.31	H 0519	Enact	4117.10	H 0048	Amend
3718.023	S 0110	Enact	3772.32	H 0519	Enact	4141.301	S 0155	Amend
3718.024	S 0110	Enact	3772.33	H 0519	Enact			
3718.025	S 0110	Enact	3772.99	H 0519	Enact			
3718.03	S 0110	Amend	3793.02	H 0519	Amend	<u>Title 43</u>		
3718.04	S 0110	Amend	3793.032	H 0519	Enact			
3718.041	S 0110	Enact				4301.33	H 0048	Amend
3718.05	S 0110	Amend				4301.331	H 0048	Amend
3718.06	S 0110	Amend				4301.332	H 0048	Amend
3718.09	S 0110	Amend				4301.333	H 0048	Amend





4927.04	S 0162	New Enact	4931.35	S 0162	Old	5312.10	S 0187	Enact
4927.04	S 0162	Repeal			Number	5312.11	S 0187	Enact
4927.05	S 0162	Enact			(4931.06)	5312.12	S 0187	Enact
4927.06	S 0162	Enact	4931.51	H 0048	Amend	5312.13	S 0187	Enact
4927.07	S 0162	Enact	4931.52	H 0048	Amend	5312.14	S 0187	Enact
4927.08	S 0162	Enact	4931.53	H 0048	Amend	5312.15	S 0187	Enact
4927.09	S 0162	Enact	4931.99	S 0162	Amend			
4927.11	S 0162	Enact	4933.14	S 0162	Amend			
4927.12	S 0162	Enact	4933.18	S 0162	Amend	<u>Title 55</u>		
4927.13	S 0162	Enact	4933.19	S 0162	Amend			
4927.14	S 0162	Enact	4935.10	S 0232	Enact	5502.03	H 0519	Amend
4927.15	S 0162	Enact	4939.01	S 0162	Amend	5513.01	H 0330	Amend
4927.16	S 0162	Enact	4951.44	H 0048	Amend	5513.02	S 0131	Amend
4927.17	S 0162	Enact	4955.05	H 0048	Amend	5515.01	S 0162	Amend
4927.18	S 0162	Enact				5533.093	H 0027	Enact
4927.19	S 0162	Enact				5533.333	H 0027	Enact
4927.20	S 0162	Enact	<u>Title 51</u>			5533.334	H 0027	Enact
4927.21	S 0162	Enact				5533.335	H 0027	Enact
4928.01	S 0181	Amend	5111.0211	H 0215	Enact	5533.372	H 0027	Enact
4928.01	S 0232	Amend	5111.21	H 0449	Amend	5533.52	H 0027	Amend
4928.20	H 0048	Amend	5111.242	H 0198	Amend	5533.606	H 0027	Enact
4928.64	S 0232	Amend	5111.65	H 0398	Amend	5533.607	H 0027	Enact
4929.02	S 0162	Amend	5111.651	H 0398	Amend	5533.621	H 0027	Enact
4929.041	S 0165	Enact	5111.68	H 0398	Amend	5533.644	H 0027	Enact
4929.26	H 0048	Amend	5111.681	H 0398	Amend	5533.685	H 0027	Enact
4931.01	S 0162	Enact	5111.685	H 0398	Amend	5533.785	H 0027	Enact
4931.02	S 0162	Amend	5111.686	H 0398	Amend	5533.785	H 0449	Amend
4931.03	S 0162	Amend	5111.688	H 0398	New Enact	5533.872	H 0027	Enact
4931.04	S 0162	Amend	5111.688	H 0398	Old	5533.881	H 0027	Enact
4931.05	S 0162	New Number			Number	5533.93	H 0027	Enact
					(5111.689)	5533.931	H 0027	Enact
4931.06	S 0162	New Number	5111.688	H 0398	Amend	5533.95	H 0027	Enact
			5111.689	H 0398	New Number	5533.96	H 0027	Enact
4931.06	S 0162	Repeal			Number			
4931.07	S 0162	Repeal	5111.874	H 0398	Amend			
4931.11	S 0162	Amend	5111.875	H 0398	Amend	<u>Title 57</u>		
4931.11	S 0162	Old Number	5111.894	H 0398	Amend			
						5701.11	H 0495	Amend
						5703.052	S 0165	Amend
4931.12	S 0162	Repeal				5703.052	H 0519	Amend
4931.13	S 0162	Repeal				5703.19	H 0519	Amend
4931.14	S 0162	Repeal	5301.057	H 0292	Enact	5703.21	S 0165	Amend
4931.15	S 0162	Repeal	5307.11	H 0292	Amend	5703.21	H 0519	Amend
4931.16	S 0162	Repeal	5307.12	H 0292	Amend	5703.70	H 0519	Amend
4931.17	S 0162	Repeal	5307.13	H 0292	Amend	5705.19	H 0313	Amend
4931.18	S 0162	Repeal	5307.14	H 0292	Amend	5705.19	H 0048	Amend
4931.19	S 0162	Repeal	5307.16	H 0292	Amend	5705.191	H 0048	Amend
4931.21	S 0162	Repeal	5312.01	S 0187	Enact	5705.195	H 0048	Amend
4931.22	S 0162	Repeal	5312.02	S 0187	Enact	5705.199	H 0048	Amend
4931.25	S 0162	Repeal	5312.03	S 0187	Enact	5705.20	H 0048	Amend
4931.26	S 0162	Repeal	5312.04	S 0187	Enact	5705.21	H 0048	Amend
4931.27	S 0162	Repeal	5312.05	S 0187	Enact	5705.211	H 0048	Amend
4931.28	S 0162	Repeal	5312.06	S 0187	Enact	5705.2111	H 0048	Amend
4931.29	S 0162	Repeal	5312.07	S 0187	Enact	5705.212	H 0048	Amend
4931.30	S 0162	Repeal	5312.08	S 0187	Enact	5705.213	H 0048	Amend
4931.31	S 0162	Repeal	5312.09	S 0187	Enact	5705.217	H 0048	Amend



5705.218	H 0048	Amend	5749.10	S 0165	Amend	<u>Title 61</u>		
5705.219	H 0048	Amend	5749.12	S 0165	Amend			
5705.22	H 0048	Amend	5749.13	S 0165	Amend	6101.161	S 0085	Enact
5705.221	H 0048	Amend	5749.14	S 0165	Amend	6101.17	S 0162	Amend
5705.222	H 0048	Amend	5749.15	S 0165	Amend	6103.101	S 0085	Enact
5705.23	H 0048	Amend	5749.17	S 0165	Amend	6105.18	H 0048	Amend
5705.24	H 0048	Amend	5751.08	S 0181	Amend	6105.20	H 0048	Amend
5705.25	H 0048	Amend	5751.09	S 0181	Amend	6109.22	S 0181	Amend
5705.251	H 0048	Amend	5753.01	H 0519	Enact	6111.036	S 0181	Amend
5705.261	H 0048	Amend	5753.02	H 0519	Enact	6115.201	S 0085	Enact
5705.27	H 0048	Amend	5753.03	H 0519	Enact	6115.21	S 0162	Amend
5705.71	H 0048	Amend	5753.04	H 0519	Enact	6119.101	S 0085	Enact
5709.084	S 0181	Enact	5753.05	H 0519	Enact	6119.31	H 0048	Amend
5709.53	S 0232	Amend	5753.06	H 0519	Enact	6119.32	H 0048	Amend
5709.62	S 0181	Amend	5753.061	H 0519	Enact			
5709.63	S 0181	Amend	5753.07	H 0519	Enact			
5709.632	S 0181	Amend	5753.08	H 0519	Enact			
5713.30	S 0232	Amend	5753.09	H 0519	Enact			
5713.34	S 0232	Amend	5753.10	H 0519	Enact			
5722.22	H 0313	Amend						
5725.18	H 0300	Amend						
5727.01	S 0232	Amend	<u>Title 59</u>					
5727.02	S 0232	Amend						
5727.06	S 0232	Amend	5902.02	H 0449	Amend			
5727.11	S 0232	Amend	5906.01	H 0048	Enact			
5727.111	S 0232	Amend	5906.02	H 0048	Enact			
5727.15	S 0232	Amend	5906.03	H 0048	Enact			
5727.30	S 0232	Amend	5906.99	H 0048	Enact			
5727.75	S 0232	Enact	5907.01	H 0449	Amend			
5733.57	S 0162	Amend	5907.02	H 0449	Amend			
5739.02	S 0232	Amend	5907.021	H 0449	Amend			
5739.02	S 0181	Amend	5907.023	H 0449	Repeal			
5739.021	H 0048	Amend	5907.04	H 0449	Amend			
5739.022	H 0048	Amend	5907.05	H 0449	Repeal			
5739.026	H 0048	Amend	5907.08	H 0449	Amend			
5743.021	H 0048	Amend	5907.10	H 0449	Amend			
5743.024	H 0048	Amend	5907.11	H 0449	Amend			
5743.026	H 0048	Amend	5907.12	H 0449	Amend			
5747.01	H 0048	Amend	5907.13	H 0449	Amend			
5747.01	H 0519	Amend	5911.10	H 0449	Amend			
5747.02	H 0519	Amend	5913.01	H 0449	Amend			
5747.063	H 0519	Enact	5913.011	H 0449	Amend			
5747.08	S 0194	Amend	5913.02	H 0449	Amend			
5747.08	S 0155	Amend	5913.021	H 0449	Amend			
5747.20	H 0519	Amend	5913.04	H 0449	Repeal			
5747.77	S 0131	Amend	5919.06	H 0449	Amend			
5747.98	H 0519	Amend	5919.26	H 0449	Amend			
5748.02	H 0048	Amend	5919.28	H 0449	Amend			
5748.04	H 0048	Amend	5919.29	H 0449	Amend			
5748.08	H 0048	Amend	5919.34	H 0449	Amend			
5749.01	S 0165	Amend	5923.05	H 0449	Amend			
5749.03	S 0165	Amend	5924.136	H 0449	Amend			
5749.06	S 0165	Amend						
5749.07	S 0165	Amend						
5749.08	S 0165	Amend						



## UNCODIFIED LAWS AFFECTED

Listed below are uncodified laws affected by acts of the 128th General Assembly enacted in 2010. The left-hand column lists the bill and section number of the uncodified law, by General Assembly, and the two right-hand columns identify the bill number of the enactment of the 128th General Assembly affecting that section and whether the section was amended, suspended, or repealed.

<u>Uncodified sections affected by legislation</u>	<u>Bill affecting uncodified law</u>	<u>Action</u>
128th G.A.		
H.B. 0001		
Sec. 209.20	H.B. 0398	Amend
Sec. 265.10	S.B. 0181	Amend
Sec. 265.30.40	S.B. 0181	Amend
Sec. 265.40.60	S.B. 0181	Amend
Sec. 281.20	S.B. 0155	Amend
Sec. 309.30.25	H.B. 0198	Amend
Sec. 343.40	S.B. 0155	Amend
Sec. 371.50.90	S.B. 0155	Amend
Sec. 409.10	H.B. 0048	Amend
Sec. 409.10	H.B. 0449	Amend
Sec. 701.05	H.B. 0393	Amend
H.B. 0190		
Sec. 3	H.B. 0215	Amend
H.B. 0318		
Sec. 6	S.B. 0181	Repeal
Sec. 7	S.B. 0181	Repeal
127th G.A.		
H.B. 0125		
Sec. 5	H.B. 0198	Amend
H.B. 0416		
Sec. 3	S.B. 0110	Amend
H.B. 0562		
Sec. 701.20	H.B. 0393	Amend
125th G.A.		
H.B. 0516		
Sec. 6	H.B. 0495	Suspended



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